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UNIVERSITY OF ALBERTA

The Politics of Canada's Immigration and Refugee Policy-Making: From Consensus to Counter-Consensus

BY

© Nobuaki Suyama

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfilment of the requirements for the degree of Doctor of Philosophy.

DEPARTMENT OF POLITICAL SCIENCE

Edmonton, Alberta
FALL 1994

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September 30, 1994

Nobuaki Suyama
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Dear Nobuaki Suyama:

You most certainly have my permission to use the two cartograms found in my 1980 chapter, “Changes in Canadian Immigration Patterns... I will mail this to you also.

Good luck with your defense!

Sincerely yours,

Doreen Indra

Doreen Marie Indra
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... immigration policy is by its very nature a contentious issue for any society. Governments attempt to achieve multiple and often inconsistent objectives within a single framework and in the process ignore the fundamental issue that must be addressed - deciding whose welfare is relevant, that of residents or of non-residents of the country, in evaluating and setting policy. The role of immigration policy in creating economic rents and the distributional consequences of altering the status quo lead groups to promote their economic self-interest through political means. Public policy discussions inevitably reflect a mix of positions, ranging from those that are self-serving but cloaked in the public interest to those that are altruistic or based on non-economic considerations. It is obviously difficult to reconcile such diverse views.

W.M. Marr and M.B. Percy, "Immigration Policy and Canadian Economic Growth", in John Whalley(Research Coordinator), *Domestic Policies and the International Environment*, University of Toronto Press, Toronto, 1985, p.91.

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled **The Politics of Canada's Immigration and Refugee Policy-Making: From Consensus to Counter-Consensus** submitted by **Nobuaki Suyama** in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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Gurston Dacks
Professor G. Dacks

Professor F. Engelmann

David Bai
Professor D. Bai

for J. Jupp
Professor J. Jupp

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Abstract

This is a study of the post-war immigration and refugee policies of Canada. Four important decisions - King's Parliamentary speech in 1947, which opened post-war immigration, the two Regulations which put an end to the racially discriminatory immigrant selection in the 1960's, the making of the Immigration Act in the 1970's, and the two refugee Bills which set up a new Convention refugee status determination system - are studied in detail to ascertain the historical evolution of the policy-making pattern in this field.

The manner in which Canada's immigration and refugee policies have been made has undergone a great change over the post-war years. The policy community in immigration which has been nurtured by the state matured to the point where it has become a central part of immigration policy-making. The interactions between state actors and societal interests now function as potent constraints on government policy-makers to formulate and implement immigration policy. On the external side, the state increasingly finds itself influenced by the international environment.

The societal groups concerned with refugee issues have not come to develop anything properly called a refugee policy community. The difference between these groups and those involved in immigration policy seems to derive from the nature of the policy content, the interests entailed, and the types of groups involved. Immigration policy affects and even provokes significant interests of powerful societal groups, while refugee issues do not mobilize the same types of powerful groups in Canada's civil society. Thus, the parameters for immigration policy-making are narrower than for refugee policy-making.

PREFACE

This is a study of Canada's immigration and refugee policies in a context of conflicting and competing interests, with a special focus on the post-war period. Immigration is, indeed, a multi-dimensional social phenomenon in the sense that it covers such a vast, diverse, and complex entity, thereby making the study of it inevitably multidisciplinary. Although immigration can be a subject for scholars trained in a variety of different disciplines such as economics, sociology, history, geography, anthropology, psychology, education, linguistics, law, and political science,[1] it is emphasized here that immigration is unmistakably a political phenomenon in which political scientists should be engaged. The state, embodied in elected politicians and non-elected mandarins, must act in the midst of a multitude of clashing and striving interests and of confronting and divergent objectives in the formulation and implementation of national immigration and refugee policies.

But why particularly Canada's immigration and refugee policies? First of all, I aim to be an expert on Canadian government and politics and for that reason have chosen to pursue my doctorate at a Canadian university. Secondly, I have a long-standing academic interest in immigration and refugee movements in international relations. Canada is one of the most integrated countries in the world to the international community. While as much as one third of its G.N.P. is exported beyond its national borders, about a half of its population growth relies on immigration from abroad. Canada is one of the few countries which have taken a positive and promotional view of immigration while at the same time maintaining a high degree of selectivity.[2]

Thirdly, immigration and refugee policies become increasingly more important and also controversial for Canada, now that its birthrate is running below the replacement level and its existing population is greying at a rapid pace.[3] Canadian society is rapidly changing its face from being white, predominantly British and French at that, to being multicultural and multiracial.[4] The economic gap between the North and the South works constantly as a strong incentive for a great many residents in developing countries to immigrate into Canada by whatever means possible.[5] Moreover, the sudden collapse of communist regimes in the East has left a greater number of people than ever free to seek the possibility of moving to the more affluent West. Although Canada needs immigration to boost an otherwise sagging population, not every type of immigrant is welcomed with open arms, thereby causing frictions among various policy and societal actors whose interests are vitally at stake.[6] It is poignantly or sarcastically said that "[S]pecialized studies of public policy sometimes resemble children: fascinating to those who produced them but of minimal interest to everyone else",[7] but no Canadian should be able to stay indifferent to his or her country's immigration and refugee policies.

Finally, Canada's immigration policy is worth studying not only in its own right but also as a case study of Canada's public and foreign policy-making, as David B. Dewitt and John J. Kirton remind us that "an issue area that clearly transcends the domestic/foreign policy dichotomy and impinges directly on the public is immigration".[8] Immigration is a unique policy issue area in the sense that it can be regarded as public policy with an important influence from the international environment and as foreign policy with significant domestic constraints.[9] This theoretical link with the domestic and foreign policy literature may well justify my selection of this topic in Canadian political science.

Notes

1. This is clearly evidenced in the research project which the author was previously involved in to compare Canadian and Australian immigration and refugee policies. Academic participants were from all different disciplines in the social sciences. See Howard Adelman, Allan Borowski, Meyer Burstein and Lois Foster(eds.), *Immigration and Refugee Policy: Australia and Canada Compared*, Volume I & II, Melbourne University Press, Carlton, Vic., 1994.

2. Anthony Richmond and G. Lakshmana Rao, "Recent Developments in Immigration to Canada and Australia", *International Journal of Comparative Sociology*, Vol.XVII, Nos.3/4, Sept.-Dec.1976, p.184.

3. See, for example, Chris Taylor, *Demography and immigration in Canada: Challenge and opportunity*, Immigration Policy Development, Immigration Group, Employment and Immigration Canada, Nov.1987; Chris Taylor, *The role of immigration in determining Canada's eventual population size*, Population Working Paper No.11, Migration and Demographic Policy, Immigration Policy, Employment and Immigration Canada, 1988; David K. Foot, *Population aging and immigration policy in Canada: implications and prescriptions*, Population Working Paper No.1, Policy Development, Policy and Program Development Immigration, Employment and Immigration Canada, Aug.1986.

4. It is argued that the importance of ethnicity increases in the 21st century to the same degree as that of class in the 20th century. Inevitably, Canada would become a hot spot

because of its very much poly-ethnic character. Cf. J.W. Berry and J.A. Laponce(eds.), *Ethnicity and Culture in Canada: The Research Landscape*, University of Toronto Press, Toronto, 1994, p.3. See also Elliot L. Tepper, *Changing Canada: The Institutional Response to Polyethnicity*, The Review of Demography and Its Implications for Economic and Social Policy, Employment and Immigration Canada, Dec.1988.

5. See, for example, Canada Employment and Immigration Commission, *International Migration Pressures in the Medium Term: Impact on Canada*, Report of the Interdepartmental Study Group on International Migration, Aug.1988.

6. See, for the ongoing debate on immigration, Michael Valpy, "A fear of losing the old Canada", *The Globe and Mail*, Mar.11, 1994, p.A2; "Interpreting intolerance", The Editorial, *The Globe and Mail*, Mar.14, 1994, p.A20.

7. Garth Stevenson, *The Politics of Canada's Airlines from Diefenbaker to Mulroney*, University of Toronto Press, Toronto, 1987, p.xv.

8. David B. Dewitt and John J. Kirton, *Canada as a Principal Power: A Study in Foreign Policy and International Relations*, John Wiley & Sons, Toronto, 1983, p.239.

9. Douglas C. Nord, "Immigration as an International Problem: Canada, the United States and East Asia", Ph.D. Dissertation, Duke University, 1979, pp.5-7.

ACKNOWLEDGEMENT

Even a minor enterprise such as this produces many debts of gratitude and appreciation. I would like to gratefully acknowledge the assistance I received from my principal academic advisor, Dr. Tom F. Keating, and my committee members, Dr. Gurston Dacks and Dr. Fred C. Engelmann. Dr. James Jupp at the Australian National University, Canberra, Australia, and Dr. David H. Bai in the Department of Anthropology at the University of Alberta served as helpful external referees with valuable comments and suggestions. I also acknowledge the help, academic and non-academic, which I received directly and indirectly, from Dr. I. Garth Stevenson, who now teaches at Brock University, St. Catharines, Ontario.

Special thanks are owed to Dr. Kenneth S. Courtis, who was a Visiting Professor in Canadian Studies at the University of Tokyo, Japan, and who induced me to do my doctoral studies in Canada. Professor Yoichi Kibata, who teaches British history at the University of Tokyo, has always been helpful to me in various things. An ancient debt is owed to Dr. Trevor V. Matthews, who gave me strong academic training at the University of Sydney, Australia, when it seemed ridiculous for me to consider any work at the doctoral level. I now feel partially relieved of these debts even though they are not something to be accurately calculated due to their non-pecuniary character.

I must gratefully acknowledge the generous financial support of the Political Science Department at the University of Alberta and the Department of External Affairs and International Trade, Canada. Furthermore, I wish to express my gratitude to the Political Science Reading Room at the U. of A., whose librarian certainly counts me as one of the most regular and reliable users, the U. of A. Libraries (mainly two Rutherfords and Cameron), the Canadian National Library [Ottawa], the National Archives of Canada [Ottawa], which is planned to be moved to Gatineau, and the Library in Employment and Immigration Canada [Hull]. The study and research facilities which the University of Alberta has offered me are just superb in comparison with any great Japanese university's even though the erstwhile oil-rich province has never been in a good state of economy during my stay there.

Towards the end of my doctoral studies, I had a tremendous opportunity to participate in a joint research project to compare Canadian and Australian immigration and refugee policies, which I appreciated very much. I thank project organizers who picked me over many other prominent students of the subject and also the very people I worked with, from whom I have learned many things. The comraderie and friendship developed with the two countries' various scholars, senior and junior, engaged in immigration and refugee issues will be an invaluable asset for my scholastic profession for the rest of my life.

The daunting academic work profited greatly from various enjoyable aspects of a non-academic life in Canada.

I am sure that my pleasant memory of Canada will last for ever, wherever I may go after having endured many cold winters in the Canadian Prairies. It was also an inspiring experience during my stay in Canada to follow the development of ever-changing fascinating Canadian politics. With no doubt, Canadian government and politics will be my life-long subject ever in my post-Ph.D. academic career. Finally, I cannot repeat reminding myself of debts of a different kind too many times, which are owed to my exceptionally persevering parents, Yuji and Matsuko Suyama, whose sacrifices and patience made possible much of my high education.

N.S.

Edmonton, Alberta
October 1994

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CHAPTER ONE The Theoretical Framework

I. Introduction

This chapter critically reviews the existing literature on Canada's immigration and refugee policies. This helps us to map past academic writings on the subject which seems to have been taken so matter-of-factly or nonchalantly by mainstream political scientists as to be pushed to the sideline of the discipline. However, it is apparent that this issue area more and more seriously preoccupies policy-makers, academics, and also ordinary Canadians living in the present-day, interdependent and turbulent world,[1] which has witnessed the international flow of people across national borders on a large scale.[2] Population pressure, escape from violence, and eagerness for affluence make a spacious, free, and rich Canada an ideal destination for a huge number of aspiring denizens in the South and in the East.[3]

The tides of human beings who would be interested in coming to Canada whether to set up their permanent residence or to seek temporary shelter or gain temporary livelihood should receive a careful attention of political scientists and international relation specialists.[4] The process of determining who are entitled to enter as full-fledged residents of the society or even as short-term tenants is by nature contentious in both domestic and international society. A variety of societal actors have their interests affected by this area of government policy-making. And while some may insist that immigration is solely within the sphere of domestic policy, a country's immigration policy also defines its certain position towards the external world. Finally, debates over immigration policy-making are not confined to the clash of various performers' selfish interests pursuits but also proceeds on various public-interest grounds such as moral, economic, social, and demographic.

A country's immigration and refugee policies are indeed an important and useful area of investigation to gauge the influence of societal actors on the policy process, the manner in which the state has responded to these actors and manoeuvres them, and to assess some of the external constraints on the policy-making process. A study of Canada's policy on immigration and refugees provides a fertile ground for testing some existing theories of policy-making, domestic and foreign, to see how various policy actors have interacted and competed with one another in shaping policy outcomes.

II. Literature Review

Despite its importance, immigration policy has received surprisingly little attention from political scientists in Canada. Mavis E. Burke supports this statement by extending the scope to social sciences in general: "despite the major significance of immigration from all facets of Canadian life, it has, in the past, attracted relatively and surprisingly, little attention for scholars in social sciences".[5] Although she claims that the lack of interest in immigration phenomena is bewildering, taking into consideration the literal explosion of social sciences in the 1960's and early 1970's,[6] it seems that political scientists are particularly to blame in comparison with, for example, historians and sociologists.

Howard Palmer dwells on the scholarly neglect by historians.

> The historical profession was dominated by scholars of British and French origins whose major preoccupations were political and economic history and biography. Archives had very little material dealing with the "other ethnic groups". A vicious circle of the prevailing ethnocentric attitudes toward these minorities (they were disappearing anyway through assimilation, they were small, they were not important), combined with a dearth of language skills, scholarly incentive, archival resources and publisher interest, discouraged the Canadian historical profession's involvement in ethnic studies research. Indeed, until the late 1960s almost all Canadian historians, engaged in researching topics which they regarded as more pressing, completely ignored the subjects of immigration and ethnic relations (as they affected "immigrant" ethnic minorities) in the twentieth century.[7]

This may be ironic given the Canadian image of an ethnic mosaic. The United States, in contrast, often characterized as a melting pot, has produced many distinguished ethnic historians such as Oscar Handlin and Theodore Blegen. However, it is not contradictory for Palmer, who thinks that "attempts to present Canada as a mosaic whose attitude toward assimilation has always been enlightened as compared to the U.S., where crass 'melting potism' has prevailed, are on shaky historical ground".[8] Even if Palmer's description is accurate about the state of Canada's historical research up until the 1960's, no one can deny the flourishing of ethnic history in Canada since the 1970's.[9] It was encouraged by the multicultural policies introduced during the early 1970's by the federal and various provincial governments.

Sociologists' involvement in something related to immigration is much older, as "sociological interest in the field of ethnic relations dates back to the origins of the discipline where considerable thought was given to the nature of race and the importance of stratification".[10] John Porter, one of Canada's pre-eminent scholars and a leading figure in the development of Canadian sociology, wrote a book about ethnic inequality in social class attainment and in the distribution of power, which remains required reading for all serious students of Canadian society.[11] However, even in sociology, Canadian scholarship vis-à-vis ethnicity lagged far behind its American counterpart, embodied in the works of Robert Park or Everett Hughes.

The lack of interest in immigration policy may be due to the fact that the Canadian state, unlike Australia for instance, has not had great trouble in obtaining desirable immigrants because of its geographical proximity to a preferable source of immigrants, that is, Europe. On the other side of the coin, immigration policy is a sensitive issue area because it inevitably involves certain forms of discrimination, whether they are racial, ideological, economic or whatever.[12] Freda Hawkins writes that "collective interest, intergovernmental communication, and even academic concern have also been inhibited by the fact immigration has long been regarded as a private matter for individuals and for governments".[13]

In terms of the discipline, as Alan C. Cairns wrote two decades ago, Canadian political science had been excessively concerned with the institutions and processes of government and inadequately concerned with the output of government, that is, with public (foreign) policy, as well as with the input of government, that is, with pressure group politics and political participation.[14] Douglas Verney aptly characterized it as 'government without politics'. Specifically with reference to foreign policy, Cranford Pratt tells us that the study of Canadian foreign policy has been lacking an appropriate theoretical framework of policy analysis.[15] Finally, Canada's majoritarian WASP political scientists' naivete with respect to the increasingly important questions of race and ethnicity has been pointed out again by Cairns in recent years.[16] These factors combined seem to account for Canadian political scientists' lack of concern with immigration policy, in contrast with the existing vast literature on immigration in the fields of sociology and history.

Although the number of political scientists who have done work on Canada's immigration and refugee policies is rather limited, what that small number of competent scholars have accomplished should not be treated as insignificant. Immigration and refugee policies manifest such sundry and sometimes apparently contradictory features that they are subject to many different interpretations, although the most popular interpretation of the Canadian policy-making process and centre of power is taken to be that of bureaucratic dominance. Moreover, it sadly seems the case that the past studies on Canadian policies in this particular field have not been well integrated with the general theoretical literature on policy-making.

The classic book about Canada's immigration policy was written by an Australian scholar, David C. Corbett, in 1957. The essence of immigration policy does not change at all over a long period of time, unlike, say, science policy. All the questions that Clifford Sifton had on his mind in the early part of this century are still considered by immigration officials in the contemporary period. How many immigrants should be admitted in a certain period of time? What sort of immigrants are desirable? How to adapt the culturally dissimilar immigrants to Canadian society? Therefore, just because Corbett's book on immigration policy was written in the 1950's we should not discard it as irrelevant to present-day thinking about immigration. His book is comprehensive, but it does not really offer any definitive idea on how Canada's immigration policy is made. For example, he writes in one part, "A national government dealing with immigration policy is like a ship buffeted by contrary winds",[17] suggesting a populist thesis that the government is at the mercy of overwhelming societal interests competing for the policy-making clout in immigration. In another part, he supports a statist position that it is basically the Cabinet which meets in secret that makes Canada's immigration policy.[18] This kind of contradiction that an eclectic approach tends to beget is further boosted by the addition of economic and international factors in the overall process of immigration policy-making. Some of this might be avoided with the support of theoretical models to provide linkages for the variety of variables identified by Corbett.

An English scholar, Freda Hawkins, produced a major, phenomenal work by publishing in 1972 *Canada and Immigration: Public Policy and Public Concern*, which is based on her doctoral dissertation at the University of Toronto. Her observation that the most striking feature of post-war immigration has been its political character correctly grasps the essence of Canada's immigration policy. In other words, it suggests that this policy field was not administered on the basis of policy-makers' straightforward rational cost and benefit calculations without seeing direct clashes of interests, but various actors with their own different perspectives came into the arena of policy-making. A score of political, economic, social, demographic, and cultural factors, which have one sort of bearing or another on policy-making, are carefully considered and, at the end, she comes to the following sweeping conclusion contrary to what she argues elsewhere in the book:

> Canadian immigration has been managed by the federal government throughout the post-war period, ... without significant reference to or consultation with the provinces or with the voluntary sector, and without public participation in any part of this process ... .[19]

Although she explicitly presents this view of the state's tight control over this area of policy-making, she does admit two exceptions to the general rule. These are the sponsorship question and each M.P.'s sensitiveness to his or her riding's concerns.[20] This meticulously researched monograph remains the best source of reference on Canada's immigration policy in the post-war period.

In a later work, the immigration policies of Canada and Australia are compared by Hawkins. The material covers the period following her first major book: *Canada and Immigration*. Although the rather limited use of primary archival materials should be pointed out (maybe unavoidable given the period of analysis, which is so recent), it is easily compensated for by the rich first-hand information, which the author obtained through her access to the policy-making inner circle as an advisor and through interviews with senior policy-makers. In this book, she argues that the mirror effect, that is, mutual awareness, existed between the two countries' policy-makers especially because of the many shared characteristics, the most important of which is perhaps language.[21] Canadian and Australian immigration officials, she argues, have learned much from each other in their search for a good way of managing similar problems experienced in this policy field. Although this depiction is perhaps empirically correct, the so-called 'Canada-Australia watch' is obviously not the most dominant factor to determine the shape of Canadian policy. Nor is it reasonable to argue that Canada's immigration policy comes out singly of its interactions with Australia. To the credit of the author, a substantial portion of the book is devoted to an updated discussion of recent policy-making in Canada. She has not, however, changed her main argument:

> In Canada, until recently, it is fair to say that the influence of the major interest groups on immigration policy has been very limited and, where it has occurred, has lain much more in the *perception* of their views by politicians and officials than in any direct impact.[22]

Given this state-centric view of Canadian immigration policy-making, Hawkins does not tell us exactly what ends these state policy-makers work for. The concept of the national interest, which is supposed to direct policy-makers towards a set of tangible goals, is underdeveloped in this work because it is concerned mainly with explaining how the state has managed and administered immigration rather than how various actors, state and non-state, interact in formulating policy.

On the other hand, an attempt to describe the national interests in immigration policy in ideological terms has been provided by Reg Whitaker in a book on Canada's immigration policy in the context of the Cold War. His main argument is that a double standard has existed in immigrant selection ever since the end of the Second World War. He offers an interesting view, with the support of many documents made available under the Access to Information Act, that Canadian immigration policy has always been discriminatory on the basis of ideology because of the country's position in the politically divided Cold-War world. This discrimination exists, in his view, despite the fact that no legislation, no regulations, and no statements ever mention this ideological bias, either explicitly or implicitly.[23] This being the case, the state has exercised tight control over non-Canadians' entry into the country. An imperative of defending the Free World against presumably left-wing disruptive subversives has been perceived as the vital national interest by the country's politicians and bureaucrats. Whitaker's research posits the hard-shell nature of the state, which, while limited primarily to national security considerations, is impervious to outsiders.

The works mentioned thus far are books on immigration policy in general, although they also discuss the refugee question in part. The standard book specifically on refugee policy has been written by Gerald Dirks. He describes and assesses the historical evolution of the Canadian government's decisions to promote, permit, or deny admission to those considered as refugees. Dirks analyzes decision-making processes within Canada, and also both public and official attitudes on various refugee-intake occasions. He argues that Canada's refugee policy should have been more responsive to the real victims of persecution, because economic factors have been overriding as determinants of refugee selection. Dirks is also critical of Ottawa's policy for the biases of those Canadians responsible for policy-making: tepid responses to people suffering from right-wing dictatorships and unjustifiable predilection for Caucasian refugees. He views these biases, not simply as the results of independent objective factors, but as those of complex interactions between societal and governmental factors. He concludes his findings as follows:

> Economic, political, and humanitarian factors alone have not accounted for Canada's decisions to accept or reject particular groups of refugees. The position and form of decision-making structures, the stature and effectiveness of the responsible Cabinet ministers, and the degree of confidence the government has had in its ability to determine accurately the public interest have also been major determinants of refugee policy.[24]

Dirks' approach is quite comprehensive in bringing the governmental decision-making process and societal forces exerting influence on it into his analysis. His implicitly tendentious 'statist' understanding of Canada's refugee policy is consistent with many writers on immigration policy. He is, however, more aware of the state's occasional compromises to societal demands.

A Marxist interpretation of Canadian immigration policy has been presented by Paul Cappon, Luciano Del Negro, and Vic Satzewich.[25] In their view, the Canadian capitalist state is primarily responsive to business interests and a desire to maximize the material benefits accruing to this class. Immigration policy is taken to be the direct outcome of the interests and demands from Canadian business classes, who are constantly pursuing profit-making opportunities. In the view of these writers, as Canada's needs are defined as those of Canadian and foreign corporations, immigration policy changes along with these corporations' manpower requirements. From this perspective, what does not serve directly the business interests are explained away as the state's legitimation function, i.e. an attempt to soothe non-producers' potential resentment of the capitalist system. Satzewich combines this materialist view of Canadian immigration policy with one that emphasizes its racism-tinged traits. According to him, the state and capital have treated various national groups of imported labour differently by the criterion of skin colour. In other words, non-white labour has been exploited as an element of production more than white labour because any Caucasian person was considered to be a good future citizen in the long run. In any case, it seems the case that family reunion, refugees, and some other phenomena are not adequately accounted for by the thorough focus on productive relationships because societal links developed through different states work as counter-forces against the business' uncompromising pursuit of profits.[26] Even so the Marxist interpretation places an important element of immigration, namely the issue of labour supply, under scrutiny.

A democratic/populist hypothesis recognizes the strength of the broadly based ethnocentric orientation in civil society or, in rare cases, the public sentiment welcoming immigrants with open arms. Although any writer about Canadian immigration policy is cognizant of racism existing in Canadian society, which acts as an anti-immigration factor, only a few of them identify it as the major determinant of policies. Howard Palmer is one example, although its minor impact on Canadian national policies as a whole is inconclusive given that his scope of analysis is restricted to Alberta.[27] An important piece of work done by Martin Robin, a political scientist, discusses a nation-wide racist and fascist mood in the inter-war period.[28] These works are, however, concerned with an earlier historical period and silent about the more contemporary, post-war period. No careful observer argues that Canada's recent immigration and refugee policies are at the mercy of the atmospheric conditions existing in society, because policies made by the state have been constantly susceptible to so many aggregated and articulated interests as this dissertation will demonstrate. Despite this, intermittent racist-like expressions are easily recognizable in any historical period of time and regularly appear among certain domestic groups. Politicians also respond to these sentiments as, for example, the Reform Party's opposition to the increasing number of visible Third World immigrants and Dianne Mirosh, an Alberta M.L.A. who publicly criticized non-English-speaking immigrants.

Bernard M. Daly presents a different interpretation of the policy-making process from the predominantly statist views that have been cited, with a special reference to the duality between the power elite and the citizenry. He argues that three clusters of individuals within the power elite play distinctive roles in the workings of Canada's immigration policy-making.[29] They are the public official group (authority), private influentials (influence), and professional/intellectuals (cerebral).[30] The ordinary citizens of Canada are hardly involved in the process in any substantial manner which makes it nearly impossible for them to have a direct impact on the shape and the content of immigration policy.[31] They do, however, play a parameter-setting role for policy-makers in that they help set the boundaries within which the state must act.[32]

For Daly, whose views are analogous to what is known as 'elite accommodation'[33] in immigration policy-making, people's interests are not reflected in Parliament according to a majoritarian rule, but only the voice of powerful organized groups and elite classes effectively count in policy output.[34] Others take a similar view. Doug Collins poignantly points out the dissonance existing between the type of immigration a majority of Canadians would like to see and the actual Canadian policy content.[35] In her book, Esther Delisle discusses the elite-generated racism in inter-war Quebec, which had much to do with the Quebec government's vehemently negative response to Jewish immigration.[36]

Finally, David B. Dewitt and John J. Kirton analyze Canada's immigration and refugee policies from a different angle, that is, on the basis of Canada's status in international society. By historically probing Canada's responses to a series of tragic situations in the post-war period (for example, Hungary in 1956 and Uganda in 1971), they conclude that Canada's refugee policy conforms increasingly over the years to what they call a 'complex neo-realist' perspective. In this perspective, government and societal factors are considered to be more influential in shaping policy than external factors.[37] Canada, portrayed by Dewitt and Kirton as a principal power, is capable of undertaking its own distinctive foreign policy in accordance with its national interest.

> Political calculations of the socio-economic and demographic impacts were paramount, and though nongovernmental actors became the stimulant for upgrading and expanding resettlement programs, governmental decision makers and operations experts provided the key policy decisions and necessary expertise for the evolving initiatives and policies. In the case of refugee policy, functional expertise ... is retained but employed in bilateral efforts defined by internal criteria and capabilities emerging from Ottawa's perception of the national interest.[38]

Thus, although it seems that Dewitt and Kirton go along the 'statist' line of Hawkins and Dirks, they do not give us definitive clues about the precise manner in which the state and society are intertwined and about their link with the 'complex neo-realist' perspective. However, they can be credited for bringing our attention to the importance of external determinants in discussing Canada's immigration and refugee policies. While, according to their analysis, Canada's elevation to the rank of a principal power diminishes the significance of those determinants beyond its national borders in any foreign policy field, the utility of examining external factors is nonetheless exemplified.

One of the failings of past immigration and refugee studies in Canada is that the process of policy-making has never been explicitly placed in a theoretical framework, which incorporates societal interests, governmental policy-makers' orientations, and external factors. Every useful work on immigration policy touches on bits of diverse elements which positively or negatively affect decisions. However, no deliberate attempt has been made to construct a theory of Canada's immigration and refugee policy-making to explain how various policy actors' diverse interests are aggregated and articulated. This dissertation is designed to suggest the utility of such a framework after analyzing and synthesizing all the previous works and gleaning additional new primary data. My research and interpretation aim to add to existing explanations of Canada's immigration and refugee policies while borrowing from the others' earlier valuable investigations by concentrating on the policy-making process. More specifically it seeks to assess the nature of the relationship between societal actors and the state (governmental officials and elected policy-makers) and the changing character of this relationship over time. Thus, the following section juxtaposes these materials in a theoretically coherent manner and the last one presents a research design for pursuing the intended goal.

III. Differing Approaches to Immigration Policy-Making

Canada has a British-type Parliamentary system, which is based on the idea of responsible government, where the executive acts on confidence of the legislature.[39] In a Parliamentary democracy the government is expected to respond to a populace's policy preferences according to the majoritarian principle. However, it is already a well-known fact for any close observer of Parliamentary government that in real political life the executive dominates the legislature primarily because the partisan nature of politics reinforces party discipline. In Canada it seems that the centre of gravity of this executive dominance has moved further away from Parliament towards the bureaucracy.[40]

The most dominant view of Canada's immigration policy-making is that a small number of powerful bureaucrats, working in close cooperation with political leaders, play a major role in setting fundamental policy directions. Hawkins, Whitaker, and Dirks all, explicitly or implicitly, support this 'hard shell' bureaucracy thesis, although they do not specifically link their idea to any particular model of policy-making. For example, Hawkins writes the following:

> Policy-making in immigration has been largely a bureaucratic prerogative. ... It is commonly believed that Canadian immigration policy is arrived at by a careful balancing of conflicting pressures originating in the Canadian community as a whole. In my view, nothing could be further from the truth.[41]

Two distinguished immigration historians, Irving Abella and Harold Troper, in their famous work on Canada's response to the Nazis' persecution of the Jews: *None Is Too Many*, support Hawkins and Dirks with their conclusion that the bureaucracy kept restrictive immigration policy under its control.[42] John Schultz and Barbara Roberts are also of the view that senior ministerial staffs gain their power from long-time service in this particular issue area.[43] Donald Avery has contributed to an emphasis on the bureaucracy's unchallenged power to get rid of the economically useless and redundant migrants, and also the politically dangerous ones from Canada.[44]

This bureaucratic dominance hypothesis has been challenged by some scholars, including myself.[45] From time to time, the government conducts opinion polls on public views regarding immigration and otherwise monitors social movements and the concerns of various interest groups. It annually consults with the provinces and also with leaders of various important societal groups prior to setting up immigration targets. This suggests, as an alternative to the bureaucratic dominance model, a pluralist hypothesis, sometimes referred to as an interest-group or liberal perspective, which considers policy decisions as the outcome of the interaction of diverse mobilized interests with the state acting merely as a neutral umpire.[46] In the traditional pluralist view, competition existing among many domestic groups to influence the state's policies makes any particular group unable to monopolize power to dominate the policy-making arena. On the other hand, an alternative of this paradigm points to the elitist tendencies of those groups involved in the process.

In addition, there is a third alternative that lies between the bureaucratic dominance model and pluralism.[47] The bureaucratic politics model[48] emphasizes bargaining among competing bureaucratic units, each having its own interests. This model, which is prominent in existing works on Canada's immigration policy-making, suggests that not only the Department in charge of immigration *per se* but other important actors of the state are involved in determining the outcome of immigration policy. Policies result from the bargaining that takes among these state actors. When these diverse policy actors are seen as agents of non-state interests or so-called clienteles, the bureaucratic politics model is in substance a pluralist approach in the sense that it is society-centred. Even when civil society has no bearing on the manoeuvring within the state, the logic of pluralism is evident because no single state actor, embodied in the bureaucracy of the lead agency, dominates the policy-making process.

Contending views on Canada's immigration policy-making in the existing literature are represented implicitly in most cases by various models or approaches including the bureaucratic dominance, pluralist, Marxist, and elite accommodation among other approaches. The variety makes it difficult to comprehend the most important sources of policy. For example, although it seems that everyone likes to talk about the national interest or the public interest, in reality whose interest is this and how is it defined? How can one explain the process of policy-making and the real impact on the policy content? Is there any direct or indirect relationship between the two? This dissertation aims to present a clearer understanding of this befuddled area with a focus on the concepts of 'policy community' and 'policy network'.[49] Such an approach may help to reconcile some of the contradictions which seem to appear in this policy field.

As discussed more in detail below, the idea of a policy community and a policy network in immigration and refugee policies would include both state and societal actors. National policy-makers within the state effectively use these unofficial organizations, which have developed spontaneously over a period of time or have been consciously nurtured both to smooth the policy process and for the mutual benefit of the state and interested societal parties. From the perspective of state actors, such connections could be used to co-opt significant and potentially volatile interests in civil society, which could turn out to be intractable constraints if mishandled. Societal actors whose interests are at stake alternatively count on these associations to bring policy output more into their favour. Not only are these relations influenced by respective state and societal actors, they are also shaped, in part, by external conditions in international environments, which both set a broad frame of order in which policy must be devised and this influences the balance between state and societal actors and, at times, act as an independent influence on policy-makers.[50] In sum, the dissertation is concerned with assessing empirically and theoretically the changing relationships between the state and civil society and the role of external factors in the making and carrying out of immigration policy.

If the state is to be used as one of the key concepts in this work, it needs some elaboration. The state is defined, according to Eric A. Nordlinger, as "all those individuals who occupy offices that authorize them, and them only, to make and apply decisions that are binding upon any and all segments of society".[51] Public employees, who do not usually partake the state's decision-making, are differentiated from public officials, who form the core of the state in the role of directing machinery, because the former people just hold publicly funded positions. A Canadian political scientist, Leo Panitch, views the state à la Miliband as a complex of institutions, including government, but also including the bureaucracy, the military, the judiciary, representative assemblies, and the sub-central levels of government.[52] With this incredibly broad scope given to the state, it would be almost impossible to find anything that is not part of the state in our attempt to explain the sources of government policy. To argue that an attempt to define the state in an acceptable way to everyone is next to impossible, it may be sufficient to note that what the state really is remains a fundamentally controversial subject even among so-called 'statist' scholars who are concerned with 'state autonomy' as their central question.[53]

The state is, indeed, amorphous as an object and slippery as a concept. Timothy Mitchell argues that it is in fact futile to try to seize it as an integral entity in definitive terms because it simply does not exist as a tangible aggregate. He presents his stance as follows:

> ... the elusiveness of the state-society boundary needs to be taken seriously, not as a problem of conceptual precision but as a clue to the nature of the phenomenon. Rather than searching for a definition that will fix the boundary, we need to examine the detailed political processes through which the uncertain yet powerful distinction between state and society is produced.[54]

Thus, it is not wise to attempt to draw a clear line between two indiscrete bodies because this line exists internally within the network of the intertwined political and social order. Cairns supports this type of argument with the ideas of the embedded state and the politicized society.[55] The state does not act as a single monolithic entity whereas society is also not a homogeneous existence. Instead, "[S]ocial actors are pulled in multiple directions by the scattering of state structures and policies."[56] The traditional state-society dichotomy, which implies two clearly distinguishable systems, is a mere fiction, which should be rectified to correspond more to the reality in the contemporary period. Some distinction, however, remains necessary and possible.

In a statist approach, the state is thought to have its own interests independent of and at times quite distinct from those of civil society. It is the central motif of this approach that state preferences ultimately prevail over societal preferences when these two are divergent.[57] In this academic stream there were active debates surrounding the theme of strong and weak states.[58] However, the inadequacy of this explanation has been brought to our attention because one state does not present consistent characteristics throughout different policy fields. As a consequence, Michael M. Atkinson and William D. Coleman, propose to disaggregate the state; for "original conceptions of strength and weakness, offered almost exclusively at the macro level, are too crude to begin to account for the rich variety of state-society relations".[59] They support a sectoral approach because what they call 'state capacity' and 'state autonomy' vary across different state agencies.[60]

The disengagement of policy areas enables us to identify discrete 'policy communities' made of governmental and non-governmental organizations sharing concerns with sets of policy issues and problems and also of the attentive public who have keen interests in these particular issue areas.[61] Cairns cogently writes the following:

> Because both state and society are multiple, it is common for one state actor to involve segments of society in competition primarily directed against another state actor. It is equally common for private socio-economic actors to involve the state to their own advantage relative to other private actors. Crosscutting alliances, accordingly, are standard. ... The centrifugal state and the fragmented society, locked in multiple embraces and exchanging reciprocal influences, meet in many arenas.[62]

On the other hand, 'policy network' is the linking pattern among the particular set of state and non-state actors within the policy community.[63] The two concepts of 'policy community' and 'policy network' are inter-related but clearly distinct of each other.

The policy network incorporating the state agencies and societal actors gives an approximate idea of who has the upper hand among actors because this concept is really about the linking pattern whereas that of policy community is primarily about the membership. The element of process is important in examining interest-group activities. It is worth asking how the state interacts with major components of society or society at large, because the manner in which policy is made is clearly relevant to the content of that policy. An emphasis on process also makes it possible to assess how the state deals with various societal interests and how these societal interests attempt to alter government preferences.[64]

IV. Analytical Considerations and Research Design

After reviewing the existing literature on Canadian immigration and refugee policies and linking them with some of the policy-making models, this section discusses precisely what this dissertation is going to analyze and how to tackle it while reviewing some widely recognized models of policy-making in the general field of Canadian foreign and public policies. The thesis to be tested is that Canada's immigration policy-making can be characterized by "the tension between two embedded dynamics: a 'nation-building statism', involving the management of policy by governmental elites according to an agenda which legitimates state action and promotes national goals, and a 'pluralistic' social and political structure which enables particular societal pressures to bear on the process" and that over time the former has tended to give way to the latter.[65]

The principal objective of this dissertation is to analyze the evolutionary nature of Canadian immigration policy. Canadian immigration policy-making has been increasingly dominated by a pluralistic social and political structure which, if not always responsive to specific societal demands, needs to acknowledge these demands and to allow for their full expression in the policy-making process. As is already known from an earlier discussion on the scope of the state, the subtle bearings between the state and civil society have never been clear-cut in any period of time. Therefore, they demand researchers' careful attention.

The state, aiming to have the policy field of immigration in its tight control in consort with its own vision of an ideal country, has sought to co-opt diverse societal interests bureaucratically designed into a national immigration policy. Senior policy-makers have sought an immigration policy which selects new settlers who are desirable and useful for the country's national needs over others less so. They swiftly respond to critical situations which would disrupt Canada's effective pursuit of good immigrants. The state has its own interest to pursue, which is distinct from civil society's. It is appropriately termed as that of nation-building, in the sense that the state is the chief locomotive which drives the nation towards further overall development. The state may be figuratively characterized as an orchestra conductor for diverse societal sub-actors's single-handed pursuit of their respective interests. Yet this is only part of the story.

This work is supplementary to Tom Keating's argument about the changing nature of Canada's foreign policy in general. He argues as follows:

> ... it becomes possible to dismiss societal forces only when and only because they have given their support to state actors to act on their behalf. When such support withers and when segments of society call into question either the means or ends of the state's foreign policy societal forces assume greater significance.[66]

This is, according to him, what is happening in some areas of Canadian foreign policy-making. The state no longer enjoys its former status as the sole dominant actor in foreign policy-making.[67] The policy community which is forged in a domestic society in fact takes on transnational traits. This is evidenced especially by the phenomenon of 'chain migration', which has kept pestering Canadian policy-makers, and the refugee movement with which Canada and the other Western countries are having more and more difficulty in recent years.[68]

The project being undertaken here is useful for the study of Canadian foreign policy, for it aims in part to account for both Janus-faced state's external and internal sides.[69] The state must mediate the interactions between international relations and societal forces. Although students of international relations have a tendency to neglect the latter,[70] any serious foreign policy analyst must pay sufficient attention to it to make his or her work complete. It is also important to consider that in the area of international relations the Canadian state must act in a policy environment unlike the domestic one which is rather "predictable, amenable and tractable".[71] The increasing extent of interdependence among states[72] makes it more difficult for the Canadian to act autonomously. The shrinking distance in the world due to the advanced technology of transportation and communication brings so-called 'sovereign' states to an interdependent relationship with one another. It also increases the involvement of societal interests in policy areas that did not concern them in the past.

A statist model of public and foreign policy-making emphasizes the autonomy of the state, which is capable of imposing its will on civil society. This dissertation argues that this statist model is not appropriate in its crudely simple form for understanding Canada's immigration policy-making.[73] The embedded state that cannot separate itself from many different sectors of society and the politicized society whose interests are influenced by state actions form together the policy community and develop the policy network in the making and carrying out of immigration and refugee policies. The policy community has been engendered and nurtured by the state in an attempt to realize friction-free immigration and refugee policies over a period of time. Likewise, the policy network, while less well defined, has been generated partly by design and partly out of the structural conditions arising from the policy community.

To assess the arguments presented, a number of decisions are examined with a focus on the post-war period. This focus is justified, first because the pre-war period does not really offer sufficient information to construct any definitive view on the development of the policy community and the policy network in immigration policy and second because the thesis argues additionally about the transition from so-called 'liberal internationalist' diplomacy, which assumes the autonomy of the state, to a new form of foreign policy-making in which the state must face considerable domestic and international constraints. A historical approach is consciously adopted because this is the best method of grasping the dynamics of the reciprocal process between policy action and its effect on societal and state interests and the evolution of policy-making in this area.

The immigration programme is carried out through two operational activities: recruitment and selection, and enforcement and control.

> On the one hand it seeks to encourage and assist the movement to Canada of immigrants who will be able to establish themselves economically and socially with little difficulty for themselves or the Canadian community. On the other hand it seeks to prevent the admission or arrange the departure of people, whether immigrants or visitors, whose presence in Canada is or would be contrary to national interests.[74]

While the selection has been either performed abroad or in Canada, the promotional programme has been carried out and the activity of recruitment has been performed by overseas posts or increasingly by provincial governments.[75] This dissertation deals principally with the selection of immigrants and the admission of refugees, although promotion is touched upon occasionally when necessary.

After Confederation, the state actively sought massive immigration because it was considered vital for Canada's national development especially for commercial and military benefits. The capitalist class also wanted immigration as a source of cheap labour to maximize their profits. The Canadian state adopted a policy of bringing in a large number of immigrants, of whatever origin, in spite of emerging anti-Asian public attitudes. It is not easy to determine the degree of the state's autonomy at this time, because its policy was in coincidence with the business interest. After completing the construction of the transcontinental railways, the state came to follow faithfully the negative public attitudes vis-à-vis non-European immigrants.

This state decision also offers only a weak test of the state's autonomy, because it is not possible to answer definitively the question of who was creating and controlling this convergence. It is not easy to conclude that what society wanted, that is, exclusion of non-whites, was engendered purposely by state officials who had a tight grip on the gate to Canada and who seemingly maintained a goal of making this country as white as possible in its population composition. It is, however, difficult to come out with conclusive evidence in support of the idea that societal interests urged the state to act in the manner that it did. The process of state-society interactions was, indeed, minimal. Civil society was still in an embryonic state with regards to group interest aggregation and interest groups' political pressure activity, leaving us with the enormous difficulty in assessing societal involvement and influence.

The analysis concentrates on a number of important decisions in Canada's post-war immigration policy. Freda Hawkins, and Charles B. Keely and Patricia J. Elwell have reviewed some of the major post-war policy developments in immigration and pointed to evolutionary nature of the policy-making process.[76] Hawkins writes: "At all times they reflect the evolving character of Canada's political system, as well as the changing scene in international migration".[77] They offer us a good guide to the key changes made in Canadian immigration policy. Thus, to some extent this dissertation follows a chart these precursors have set to identify significant signposts.

After the Second World War, King's public statement on immigration in the House of Commons was based on the concept of national development, arranged by a small group of politicians and public servants who had a large hand in the drafting of the speech. Even though business wanted cheap labour of whatever skin colour, the state kept a tight control over its gate by excluding non-European immigrants. There was a strong enunciation of the principle that would-be immigrants have no fundamental human right to enter Canada; nor do immigrants have a right to Canadian citizenship even after their admission to Canada. It was clearly stated that immigration to Canada and Canadian naturalization were privileges conferred by the Canadian state, never rights. As the policy statement did not accompany any act nor regulations, a major part of policy implementation was left to complete administrative discretion with little public notice and participation.

The 1952 Immigration Act was legislated as a response to the demands from interested parties, who were adversely affected by arbitrary administration (such as deportation with no trials or unjustifiable inabilities in sponsoring family members), that the state should be subject to stricter regulations in immigration processing, and simply because the former act, which had been legislated before the First World War, became outdated. However, this new act did not attain the purpose aimed at by those interested parties. An inordinate degree of discretionary power was still vested in the Minister of Citizenship and Immigration and his or her officials. The Minister had total authority over admissions and deportations of those immigrants who were not yet Canadian citizens and who did not yet have Canadian domicile.

As time went by, the Canadian state had to respond to domestic and external pressures. Racial minority groups pressed hard for the repeal of the discriminatory immigration policy and Canada's policy did not sit well in international society, which was seeing more and more non-white countries among its members. The state could not formulate its immigration policy secluded from civil society and in total isolation from international society. The points system was prepared and elaborated by a group of bureaucrats of senior ranking. The statist approach implies that the state should be able to convert its preferences into policy action despite societal opposition yet the Progressive Conservative government failed to push through this policy change because it did not sufficiently consult the public beforehand. This lesson was well learned by the succeeding Liberal government in its sounding of public opinion by the means of a White Paper in immigration. To reflect societal interests in an efficient, effective way, the state developed an apparatus for making it easier for a wide range of interest groups to present their views on immigration policy.

The increasing societal influence on immigration policy-making was confirmed in the process of preparing the 1976 Immigration Act. The federal government deliberately set up the Joint Parliamentary Committee, which toured across Canada to elicit the views of the public on the Green Paper prepared by the bureaucrats in the Immigration Division. This action was touted as 'participatory democracy', although it is pointed out that a process as a whole was not impeccably successful in reflecting the public interest *per se* in the output of the immigration act. This is because the data show that the Canadian population was not very widely represented in the public hearings. Despite the harsh criticism that this seemingly active public participation was merely window-dressing, it was still the case that the federal government could not avoid having some kind of substantial public consultation.

The 1976 Immigration Act contained a legislative provision for refugee intake for the first time. By acceding to the 1951 U.N. Refugee Convention, Canada was committed to the international legal obligation not to turn back refugee claimants without giving them a fair opportunity to prove their Convention status. Accordingly, a refugee status determination system was established for claimants who appeared in Canada for themselves. However, this system crumbled due to an unexpectedly large number of refugee claimants, many of whom took advantage of the rather cumbersome, very slow-moving system. It has become so easy and cheap to move around the globe that when combined with an ever-widening economic gap between the North and the South there are strong incentives to the movement from the poor areas of the world to the rich one. While the problem had been brewing for a number of years, the Tory government swiftly responded to an alleged refugee crisis with legislation in 1988.

This dissertation attempts to explain and analyze these Canadian immigration and refugee policies and also to identify the extent to which and manner in which both societal interests and external factors had influenced the evolution of policy and the policy process. It is intended that this doctoral work will contribute both to the domain of immigration studies and to the discipline of Canadian political science. The task should be tackled on the two fronts, not only in the policy preferences, characterized as divergent or convergent, but in the process of policy-making. No one would be able to argue that the state can achieve whatever goals designed exclusively by it in a single-handed manner in a standing liberal democracy. Alan B. Simmons and Kieran Keohane argue on the case of immigration policy persuasively as follows:

> The state's objective in formulating immigration policy is to exercise legitimate power and control. This leads it to engage in a hegemonic project in which it takes a pro-active stance, attempting to anticipate criticism from diverse interest groups and shore up its own vulnerability through a range of policy initiatives and a communications strategy that frames policy to the state's own advantage while undermining any opposition.[78]

The state should not, however, be viewed "as an all-powerful hegemonic leader, but also as a group of worried actors, always looking at contingencies and seeking strategic solutions".[79] Thus, the state is constrained to take a certain well-planned style of legitimization vis-à-vis the interested parties in civil society, which would be much tougher to handle without a cautioned co-optation. As will be shown in succeeding chapters, this has become much more evident over time.

Notes

1. A leading American scholar, James N. Rosenau, counts transnationalism as one of the gravest causes of disorderly international relations in the contemporary period. Cf. James N. Rosenau, *Turbulence in World Politics: A Theory of Change and Continuity*, Princeton University Press, Princeton, 1990, pp.12-16.

2. See Bertrand Badie, "Flux migratoires et relations transnationales", *Études internationales*, Vol.XXIV, numéro 1, mars 1993, pp.7-16.

3. See Michael Shenstone, *World Population Growth and Population Movement*, Department of External Affairs and International Trade, Ottawa, 1992.

4. Immigration and refugee movements are characteristic of formidable challenges to the long-standing paradigm in international relations, that is, the state-centric view of the world. For Realism, see Arend Liphart, "The Structure of the Theoretical Revolution in International Relations", *International Studies Quarterly*, Vol.XVIII, No.1, Mar.1974, pp.41-74. For immigration's challenge to it, see Costa-Lascoux, Jacqueline et Patrick Weil(eds.), *Logiques d'États et immigrations*, Kimé, Paris, 1992; James F. Hollifield, "Immigration et logiques d'États dans les relations internationales, l'immigration, entre droit et marché", *Études internationales*, Vol.XXIV, numéro 1, mars 1993, pp.31-50.

5. Mavis E. Burke, *Contribution of Canadian Social Science Research to Immigration Policy*, Department of Manpower and Immigration, Ottawa, November 1975, p.20.

6. Ibid., p.2.

7. Howard Palmer, "Canadian Immigration and Ethnic History in the 1970s and 1980s", *International Migration Review*, Vol.XV, No.3, Fall 1981, p.472.

8. Howard Palmer, "Mosaic versus melting pot?: immigration and ethnicity in Canada and the United States", *International Journal*, Vol.XXXI, No.3, Summer 1976, p.528.

9. For an earlier development, see Dirk Hoerder, "Ethnic Studies in Canada from the 1880s to 1962: A Historiographical Perspective and Critique", *Canadian Ethnic Studies*, Vol.XXVI, No.1, 1994, pp.1-18.

10. Jay E. Goldstein and Rita M. Bienvenue(eds.), *Ethnicity and Ethnic Relations in Canada: A Book of Readings*, Butterworths, Toronto, 1980, Introduction, p.1.

11. John Porter, *The Vertical Mosaic: An Analysis of Social Class and Power in Canada*, University of Toronto Press, Toronto, 1965.

12. The following passage demonstrates the validity of the statement.

> Plus ça change, plus c'est la même chose. Working in the immigration area has always been trying. You are damned for what you do and you are damned for what you don't do. The Department of Immigration is one of the most politically sensitive government branches. ... At times, they are accused of separating families, witch-hunting, racial bigotry, deporting innocent people, etc. At other times they are under fire for not keeping people out, but for letting them in.

Cf. Joseph Kage, "The Immigration Door", *JIAS News*, Vol.XIX, No.4, Dec.1972, p.1.

13. Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern*, 2nd ed., McGill-Queen's University Press, Kingston and Montreal, 1988, p.30.

14. Alan C. Cairns, "Alternative Styles in the Study of Canadian Politics", *Canadian Journal of Political Science*, Vol.VII, No.1, Mar.1974, pp.101-128.

15. Cranford Pratt, "Dominant class theory and Canadian foreign policy: the case of the counter-consensus", *International Journal*, Vol.XXXIX, No.1, Winter 1983-84, p.99.

16. Alan C. Cairns, "Political Science, Ethnicity, and the Canadian Constitution", in David P. Shugarman and Reg Whitaker(eds.), *Federalism and Political Community*, Broadview Press, Peterborough, Ont., 1989, pp.121-122.

17. David C. Corbett, *Canada's Immigration Policy: A Critique*, University of Toronto Press, Toronto, 1957, p.37.

18. Ibid., p.68.

19. Hawkins, op.cit., p.326.

20. Ibid., p.348.
On the other hand, elsewhere she writes something contradictory to her main argument on the process of policy-making.

> There is no doubt that Canadian governments have been nervous of immigration - worried that it might become a political battleground, worried that new measures might lose votes, worried that it might get out of control in one way or another.

Cf. Freda Hawkins, "Canadian Immigration: A New Law and a New Approach to Management", *International Migration Review*, Vol.XI, No.1, Spring 1977, p.78.

21. Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, McGill-Queen's University Press, Kingston and Montreal, 1989, p.xviii.

22. Ibid., p.252.

23. Whitaker's argument is supported by a sociologist, Rhoda Howard, and a historian, Alvin Finkel. See Rhoda Howard, "Contemporary Canadian Refugee Policy: A Critical Assessment", *Canadian Public Policy*, Vol.VI, No.2, pp.361-373; Alvin Finkel, "Canadian Immigration Policy and the Cold War, 1945-80", *Journal of Canadian Studies*, Vol.XXI, No.3, Fall 1986, pp.53-70.

24. Gerald Dirks, *Canada's Refugee Policy: Indifference or Opportunity*, McGill-Queen's University Press, Montreal and London, 1977, p.255.

25. See Paul Cappon, "The Green Paper: Immigration as a Tool of Profit", *Canadian Ethnic Studies*, Vol.VII, No.1, 1975, pp.50-54; Luciano Del Negro, "Canada' Immigration Policy, Immigration Legislation, and Immigrant Labour in 1970's", M.A. Thèse, Université du Québec à Montréal, 1984; V. Satzewich, "Rethinking Post-1945 Migration to Canada: Towards a Political

Economy of Labour Migration", *International Migration*, Vol.XXVIII, No.3, Sept.1990, pp.327-346.

26. Alan B. Simmons, "World system linkages and international migration: new directions in theory and method, with an application to Canada", in *International Population Conference*, New Delhi, 1989, Vol.2, 12-3, p.160.

27. Howard Palmer, *Patterns of Prejudice: A History of Nativism in Alberta*, McClelland and Stewart, Toronto, 1982.

28. Martin Robin, *Shades of Right: Nativist and Fascist Politics in Canada, 1920-1940*, University of Toronto Press, Toronto, 1992.

29. Bernard M. Daly, "Immigration Policy-making: A Critique of Process", in Bernard Bonin(ed.), *Immigration: Policy-making Process and Results*, The Institute of Public Administration, Toronto, 1976, pp.59-77.

30. Daly argues that three clusters of individuals played distinctive roles in the making of the 1976 Immigration Act.

> 1) professional/intellectuals - the people were asked to write the background papers in the Green Paper series. Their contributions to policy-making is a resource that is cerebral.
> 2) private influentials - civil leaders and economic and professional notables. Their contribution to policy-making is a resource described as influence.
> 3) public officials - the elected politicians and the public service people. Their main resource in the process is authority.

Cf. Ibid., p.60.

31. Daly answers the question on why ordinary citizens were not involved in the process as follows:

> The explanation seems to be that the issues were defined in advance as scientific, technical questions calling for specific expertise. And, as Trent Shroyer has noted: "Insofar as more spheres of decision-making are construed as 'technical problems' requiring information and instrumental strategies produced by technical experts, they are removed from political debate." That is, ordinary citizens were excluded by a process as simple as saying that the questions were technical. It was then beside the point that they were also deeply human and richly value-laden questions, and that

> humanity and values are very much within the ken of ordinary folk.

Cf. Daly, Ibid., pp.75-76.

32. Denis Stairs, "Public opinion and external affairs: reflections on the domestication of Canadian foreign policy", *International Journal*, Vol.XXXIII, No.1, Winter 1977-78, p.131.

33. An American political scientist, Robert Presthus, sees representative democracy as relegated to the status of window-dressing in his controversial work: *Elite Accommodation in Canadian Politics*, Macmillan of Canada, Toronto, 1973.

34. This elite accommodation model is further backed up by Peter Bachrach and Morton Baratz's concept of the decision of non-decision-making. They argue that inequality which exists in society is such that the muted voice of the less privileged cannot be heard at all in the first place. Thus, we should not assume that everybody is content with what he or she gets just because we do not observe any overt clash of interests among different groups. See Peter Bachrach and Morton S. Baratz, "Two Faces of Power", *The American Political Science Review*, Vol.LVI, No.4, 1962, pp.947-952.

Daly's following three concepts derive from the work of Peter Bachrach and Elihu Bergman, *Power and Choice*:

> - Pre-decision-making is a concept that turns attention to the power exercised by technical experts.
> - Mobilization of bias is the process by which issues are organized into or out of the political agenda.
> - Non-decision-making is the technique used to prevent challenge to a given 'agenda of controversy'.

Cf. Daly, op.cit., pp.60-61.

According to him, the decision to situate immigration policy within a population policy was well founded on pre-decision-making among the three clusters of individuals about the need for an explicit population policy. This pre-decision-making existed before the people's representatives or citizens themselves had any real chance to make effective decisions. Mobilization of bias was also evident with regard to this immigration-demography link. On the other hand, the decision to proceed by means of a Green Paper and the Special Joint Committee's public hearings came from public officials with the support of professional/intellectuals. Their pre-decision-making was not challenged, partly because non-decision-making was deliberately imposed on the public.

35. Doug Collins, *Immigration: Parliament Versus The People*, Citizens for Foreign Aid Reform, Toronto, 1984.

36. Esther Delisle, *The Traitor and the Jew: Anti-Semitism and the Delirium of Extremist Right-Wing Nationalism in French Canada from 1929-1939*, Robert Davies, Montreal, 1993. For the uproar caused by this radical interpretation, see Charles Foran, "That Book of Esther's", *Saturday Night*, Vol.CVIII, No.8, Oct.1993, pp.30-34, p.76. According to her, this racism in Quebec bred by national elites is fundamentally different from the so-called nativism in a previous paragraph.

37. The liberal-internationalist perspective emphasizes Canada's multilateral approach in a moderate stance. The Department of External Affairs is regarded as by far the most dominant player which faces little resistance from civil society and lesser challenges from other governmental actors. The peripheral-dependence perspective considers external environments as pivotal. Canada is deemed a penetrated power because the foreign actors' extensive presence is not only felt externally but also internally.

38. David B. Dewitt and John J. Kirton, *Canada as a Principal Power: A Study in Foreign Policy and International Relations*, John Wiley & Sons, Toronto, 1983, Ch.7, p.265.

39. See, for example, Norman Ward, *Dawson's The Government of Canada*, 6th ed., University of Toronto Press, Toronto, 1987, pp.137-151; J.R. Mallory, *The Structure of Canadian Government*, Revised ed., Gage, Toronto, 1984, pp.10-15.

40. See Atkinson, Michael M. and William D. Coleman, "Bureaucrats and Politicians in Canada: An Examination of the Political Administrative Model", *Comparative Political Studies*, Vol.XVIII, No.1, Apr.1985, pp.58-80.

41. Hawkins(1988), op.cit., pp.347-348.

42. Irving Abella and Harold Troper, *None Is Too Many*, Lester & Orpen Dennys, Toronto, 1983, pp.7-10, p.64. They attribute Canada's hesitant response to the Jewish problem to one senior bureaucrat's strong anti-semitic view.

43. John Schultz, "White Man's Country: Canada and the West Indian Immigrant", *The American Review of Canadian Studies*, Vol.XII, No.2, Spring 1982, p.53; Barbara Roberts, *Whence They Came: Deportation from Canada 1900-1935*, University of Ottawa Press, Ottawa, 1988, p.viii.

44. Donald Avery, *"Dangerous Foreigners": European Immigrant Workers and Labour Radicalism in Canada, 1896-1932*, McClelland and Stewart, Toronto, 1979, p.12, pp.134-138.

45. See Nobuaki Suyama, "Canada's Immigration Policy - A Statist Perspective -", Paper Presented at the 11th Biennial Canadian Ethnic Studies Association Conference, Winnipeg, 1991; Alan B. Simmons and Kieran Keohane, "Canadian immigration policy: state strategies and the quest for legitimacy", *The Canadian Review of Sociology and Anthropology*, Vol.XXIX, No.4, Nov.1992, pp.421-452.

46. See Robert A. Dahl, *Who Governs?: Democracy and Power in an American City*, Yale University Press, New Haven, Conn. 1961.

47. Michael M. Atkinson and William D. Coleman, "Strong States and Weak States: Sectoral Policy Networks in Advanced Capitalist Economies", *British Journal of Political Science*, Vol.XIX, Part 1, Jan.1989, p.55.

48. See Graham Allison, *Essence of Decision: Explaining the Cuban Missile Crisis*, Little, Brown and Company, Boston, 1971; Morton Halperin, *Bureaucratic Politics and Foreign Policy*, The Brookings Institution, Washington, D.C., 1974.

49. See Maurice Wright, "Policy Community, Policy Network and Comparative Industrial Policies", *Political Studies*, Vol.XXXVI, No.4, Dec.1988, pp.593-612.

50. See, for example, Peter Gourevitch, "The second image reversed: the international sources of domestic politics", *International Organization*, Vol.XXXII, No.4, Autumn 1978, pp.881-912

51. Eric A. Nordlinger, *On the Autonomy of the Democratic State*, Harvard University Press, Cambridge, Mass., 1981, p.11.

52. Leo Panitch, "The role and nature of the Canadian state", in Leo Panitch(ed.), *The Canadian State: Political Economy and Political Power*, University of Toronto Press, Toronto, 1977, Ch.1, p.6.

53. Gabriel A. Almond, "The Return to the State", *American Political Science Review*, Vol.LXXXII, No.3, Sept.1988, pp.868-871.

54. Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics", *American Political Science Review*, Vol.LXXXV, No.1, Mar.1991, p.78.

55. Alan C. Cairns, "The Embedded State: State-Society Relations in Canada", in Keith Banting(Research Coordinator), *State and Society: Canada in Comparative Perspective*, University of Toronto Press, Toronto, 1986, Ch.3, pp.55-58.

56. Ibid., p.56.

57. By positing that the state's preferences are distinct from civil society's, it is the state that takes the initiative in changing convergent preferences into authoritative actions. Further, it may be a consequence of the state's purposeful control of societal interests to bring about a shift from divergence. It is far from being true to think that the statist approach ignores the element of societal interests by assuming that the state's objectives are unrelated to the needs of civil society. Nordlinger argues that it is through a careful management of societal interests that the state can maintain autonomy by preventing divergence. Cf. Nordlinger, op.cit., p.69.

58. Atkinson and Coleman, op.cit., pp.47-49. Japan and France were classified as typically 'strong' states while Canada and Britain were considered as 'weak' states.

59. Ibid., p.49.

60. Ibid., p.51.

> In evaluating weakness and strength at the sectoral level, it is critical to determine, first, the degree to which ultimate decision-making power is concentrated in the hands of a relatively small number of officials and, secondly, the degree to which these officials are able to act autonomously.

61. William D. Coleman and Grace Skogstad, "Policy Communities and Policy Networks: A Structural Approach", in William D. Coleman and Grace Skogstad(eds.), *Policy Communities and Public Policy in Canada: A Structural Approach*, Copp Clark Pitman, Mississauga, Ont., 1990, Ch.1, pp.25-26.

62. Cairns(1986), op.cit., p.58.

63. Coleman and Skogstad, op.cit., p.26.

64. Simmons and Keohane try to explain this state-society interaction by relying on the concept of the state's quest for legitimacy. Cf. Simmons and Keohane, op.cit.

65. Andrew Parkin, Leonie Hardcastle, Alan B. Simmons, and Nobuaki Suyama, "The Making of Immigration and Refugee Policy: Politicians, Bureaucrats and Citizens", Paper presented at the Conference on Immigration and Refugee Policy: The Australian and Canadian Experiences, Toronto, 1992, p.1.

66. Tom Keating, "The State, the Public, and the Making of Canadian Foreign Policy", in Robert J. Jackson, Doreen Jackson, and Nicolas Baxter-Moore(eds.), *Contemporary Canadian Politics: Readings and Notes*, Prentice-Hall Canada, Scarborough, Ont., 1987, Part IV, Ch.4, p.370.

67. See James F. Hollifield, "Immigration et logique d'États dans les relations internationales: L'immigration, entre droit et marché", *Études internationales*, Vol.XXIV, numéro 1, mars 1993, pp.31-50.

68. See Gil Loescher(ed.), *Refugees and the Asylum Dilemma in the West*, Pennsylvania State University Press, University Park, 1992.

69. For the state's dual character, see Robert D. Putnum, "Diplomacy and domestic politics: the logic of two-level games", *International Organization*, Vol.XLII, No.3, Summer 1988, pp.427-460; Harald Müller and Thomas Risse-Kappen, "From the Outside In and from the Inside Out: International Relations, Domestic Politics, and Foreign Policy", in David Skidmore and Valerie M. Hudson(eds.), *The Limits of State Autonomy: Societal Groups and Foreign Policy Formulation*, Westview Press, Boulder, Col., 1994, Ch.2, pp.25-48.

70. Tom Keating, "The State and International Relations", in David G. Haglund and Michael K. Hawes(eds.), *World Politics: Power, Interdependence & Dependence*, Harcourt Brace Jovanovich, Toronto, 1990, p.34.

71. Kim Richard Nossal, *The Politics of Canadian Foreign Policy*, Prentice-Hall, Scarborough, Ont., 1985, p.xi.

72. See Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition*, Little, Brown and Company, Boston, 1977.

73. See Suyama, op.cit.; Simmons and Keohane, op.cit.

74. National Archives of Canada, RG 76, Vol.748, File 511-4, pt.3, Paper, "Immigration".

75. Donald M. Greenbaum, "Selection and Control", in Bonin(ed.), op.cit., pp.96-97.

76. Freda Hawkins, "Dilemmas in Immigration Policy-making: The Problems of Choice, Political Will and Administrative Capacity, in Bonin(ed.), op.cit., pp.43-58; Charles B. Keely and Patricia J. Elwell, "International Migration: Canada and the United States", in Mary M. Kritz, Charles B. Keely, and Silvano M. Tomasi(eds.), *Global Trends in Migration: Theory*

and Research on International Population Movements, Center for Migration Studies, New York, 1981, Ch.9, pp.181-207.

77. Hawkins(1976), op.cit., p.44.

78. Simmons and Keohane, op.cit., p.427.

79. Ibid., p.422.

CHAPTER TWO Canadian Immigration in the Pre-War Period

I. Introduction

This chapter deals with the evolution of Canada's immigration policy up to the Second World War. It will provide a general overview of policy prior to King's Parliamentary speech in 1947, even though this earlier period is only indirectly relevant to the theoretical considerations sketched out in the previous chapter. Joseph Kage correctly writes: "From the very dawn of Canada's history selection of people admitted to settle in the country was a distinct feature of Canadian life."[1] The politics of immigration has persisted throughout Canadian history, although civil society tended to be quiet until the arrival of a noticeable number of non-white immigrants in the second half of the 19th century. The state was able to control this area of public policy in an effective manner in colonial days when societal interests were not well organized by groups and when empty land was abundantly available.

The development of Canada's immigration policy in this early era can be considered with reference to a general discussion of the evolution of policy-making. A. Paul Pross neatly demonstrates the historical development of Canadian policy institutions.[2] In the very early period of Canadian Confederation, Members of Parliament, who were not bound by strong party discipline, had a considerable degree of personal influence on policy-making. Local party organizations transmitted spatial and even sectoral concerns in a decentralized economic structure to the national institutions at the centre. There was little institutionalization of pressure groups because interests in society were not salient enough to be aggregated by aggressive policy actors and also because political parties could function well as agents of diverse interests. A rather small-sized bureaucracy had quite a small and minor role to play in the policy-making process. It was an institution to administer the policy made by the executive, whose work was closely watched by Parliament, the national embodiment of representative democracy.

It did not take very long for this pattern of interest aggregation in Canadian national politics to be superseded by the more familiar form of 'executive dominance'. The prime minister and key cabinet ministers came to dominate both Parliament and the bureaucracy, thereby making the cabinet the central actor in national policy-making. Political leadership, which often suffocated independent voices of individual M.P.'s by enforcing rigid party discipline, took on greater importance. According to Pross, this period of 'executive dominance' continued until the 1930's. It was superseded by the 'age of the Mandarins', in which a small group of senior bureaucrats and jurisdictionally competent ministers jointly had effective control of policy-making in their hands because of their invaluable expertise in issue areas. At the same time, many more pressure groups whose interests were at stake came to the fore to influence the policy-making process to their advantage. Societal interests were articulated and aggregated by these organized groups all the more because political parties forming government could not sufficiently accommodate them. The bureaucracy and the interacting pressure groups came to occupy a key position in the policy-making process to form what has been referred to as the sub-government.[3] Irrespective of the type of policy network, policy communities grew out of this state-society interaction. The state wisely needed to consult with powerful interest groups to identify policy options which would face the least societal resistance.

However influential interest groups may have been on the government in other areas, they did not rise to prominence in the inter-war period in the area of immigration policy as is suggested in Pross' depiction of the general transition in the policy-making style. In other words, interest groups whose primary concern was immigration policy and who demanded the attention of policy-makers did not form a full-fledged policy community until after the World War II. It is apparent from the historical record that the bureaucracy equipped with considerable expertise based on its practical experience was the more powerful actor in the making of immigration policy. This was particularly evidenced by the two central figures who served as Directors of the Immigration Branch, each of whom boasted of their irreplaceable knowledge in this particular policy field and its contribution to national development.

II. Pre-Confederation

The beginning of Canada as a white settlement can be dated to 1534, when the French navigator, Jacques Cartier, landed at Gaspé and claimed the land for France. The French authorities did not promote French immigration to this vast, cold area across the ocean, because Cartier's significance lay primarily "in his discovery that furs were to be had from the natives, and at the usual initial bargain prices, measured in trade goods."[4] Cardinal Richelieu's Company of New France, established in 1627, did not bother much about the onerous business of building a new society, for fur and agriculture were not compatible, and this Company would hardly cut its throat by introducing permanent settlers to drive away animals.[5] Later in the 17th century, Jean-Baptist Colbert and his appointee as intendent, Jean Talon, who may be regarded as the first Canadian Immigration Minister, set up schemes for increasing the settled population of New France. The colony was to be populated mainly with French and Catholic stock.

Quebec was captured by the British in 1759 and it came officially under British rule with the 1763 Treaty of Paris. From then on, British immigration was encouraged by the colonial government, while French Canadians tried to compensate for the decrease of French immigration by the natural increase due to a high birth rate. British immigration, which had trickled into Canada, was boosted by the outbreak of the American Revolutionary War. A large number of United Empire Loyalists, who wanted to live in a monarchy, arrived in various parts of the area which is presently Canada. Although a considerable proportion of these 'refugees' were British, in fact they were of many ethnic origins.[6] It may be more appropriate to call them Anglophone immigrants. The British North American colonies were keenly interested in increasing their population, both for the reason of economic development and as a means of military protection against U.S. expansionism, which was clearly shown in the idea of 'Manifest Destiny'.[7] It is true that British immigration was tacitly promoted by the colonial governments, but the sources of incoming immigrants were diverse indeed. Canada was seemingly kept open to settlers of various racial and ethnic origins. The national myth of the two Founding Nations (the French and the British) confounded the reality of ethnic diversity, even if English-French duality was a linguistically solid one.

The governments were left free to undertake their immigration projects at the time when society was not well developed in the sense that dwellers remained calm in their political voices. Even after responsible government came into being in the middle of the 19th century, immigration did not become a controversial political subject which would bestir and divide society. Land was bountiful and unlimited for independent newcomers. Thus, the question was not the selection method of immigrants but how to develop the country with immigration, whose importance for the future of the nation no one could ever doubt. Thus, the pre-Confederation period can be characterized as that of strife-free, peaceful settlement with regard to the intake of immigrants.

III. Post-Confederation

Confederation brought about the federal government, which was granted primary responsibilities for peopling Canada, with the provincial governments constitutionally as supporting actors. The first Canadian Immigration Act was passed in 1869 and took effect on New Year's Day, 1870. Responsibility for immigration was initially held by the Department of Agriculture and transferred in 1892 to the Department of the Interior.[8] Immigration was an important issue for the federal government to develop a new nation, while the construction of railways across the continent to build a viable national economy was its predominant preoccupation. Canada had to rely heavily on immigration to populate the newly acquired vast territories in the West because the original four provinces could not supply sufficient settlers to occupy these lands.

As is shown in Appendix 1, the Golden Decade (1903-1913) "furnished substantial personnel for thousands of new towns, villages, hamlets and mining camps".[9]

The chief planner and promoter of this unprecedented enormous immigration movement was Clifford Sifton, who served Prime Minister Wilfrid Laurier as Minister of the Interior from 1896 to 1905, when he resigned in a controversy over separate schools in Saskatchewan and Alberta. He aimed to settle the West with producing farmers,[10] promising agricultural immigrants from Britain (if available), the United States, and continental Europe.[11] The ideal type of settler he sought after for filling in the West was represented in his famous comment, which appeared in *Maclean's*.

> I think a stalwart peasant in a sheep-skin coat, born on the soil, where forefathers have been farmers for the generations, with a stout wife and a half-dozen children, is good quality. ... I am indifferent as to whether or not he is British born. It matters not what his nationality is; ...[12]

Only white settlers were considered as desirable by this energetic Immigration Minister, even though he did not hold the 'predominantly British' concept as the goal, towards which Canadian society was moving. While he was most interested in bringing American farmers into the Canadian West, there is ample evidence that the Canadian government, along with the Canadian people, strongly discouraged American blacks from moving northward.[13]

Constantine E.A. Passaris writes that the 1910 Immigration Act "conferred on the Cabinet virtually unlimited discretionary powers to regulate the volume, ethnic origin and occupational composition of the immigrant inflows".[14] This arrangement was made for the purpose of "altering the conduct of the Canadian immigration programme to meet the changing manpower requirements of the economy without requiring the government to go through the time-consuming process which would require the consent of Parliament".[15] This cautious approach to link the volume and skill components of immigration with the demands of Canada's volatile national economy went along with a non-surrendered racial distinction which was made between European immigrants and non-Europeans as the following section dwells on it.

IV. Asian Immigration

The question of Asian immigration needs to be discussed in detail because it is the first distinct racial group that politicized the issue of immigration. Unlike American blacks, they came to a new society as free immigrants. The fear was raised most seriously in British Columbia, which had the highest rate of immigrants from Asian countries.[16] Being no exception among the Canadian provinces, B.C. was supposed to be a white province preserved for any European settler there. However, an alarming rise of Asians in the population prompted anti-Asian public attitudes and led to the provincial government's legislative action in enacting restrictive immigration acts against Asians.

Nonetheless, this provincial initiative was unsuccessful because it clashed with the federal government's national interests. The federal government needed abundant cheap Chinese labour to complete the trans-continental railway construction in a speedy and efficient manner. It was also not in the interests of the federal government to worsen its relationship with Japan, which was both Britain's military ally and a country commercially very important to Canada, or with India, a member of the British Empire, which had a tradition of not making any distinction of colour among the peoples within it.[17] One discriminatory provincial act after another was disallowed by the federal government or reserved by the lieutenant-governor.[18] Some were struck down by the court on the constitutional rationale that the federal act had precedence over the provincial act.

On the other hand, various laws to discourage the entry of the Chinese by means of a head tax were prepared by the federal government, because the government was not completely able to ignore the anti-Asian sentiment existing in British Columbia. More importantly such measures were supported because national policy-makers had a goal to make Canada as white as possible in its racial composition and as British as possible in its national values.[19] In short, the state internally had contradictory motives for handling the Asian immigration question. While making short-term use of Chinese labour, it wanted to limit the number of permanent settlers to a necessary minimum. Eventually, Chinese immigration was completely terminated by the 1923 Chinese Immigration Act, which confined the entry to or landing in Canada of persons of Chinese origin or descent to the four categories: (a)diplomatic and consular personnel; (b)children born in Canada; (c)merchants; and (d)students. This Act was very effective to such an extreme degree that only eight Chinese entered Canada as legal immigrants between 1925 and 1940.[20]

The Japanese question was solved in the form of a gentlemen's agreement. Instead of restricting Japanese immigration by enacting acts or issuing orders-in-council, the Lemieux mission was dispatched to Tokyo for the purpose of having the Japanese government voluntarily abstain from sending immigrants to Canada. The anti-Oriental riot, which burst out in Vancouver in September, 1907, "resulted in the first concrete restriction of Japanese immigration in which Japan voluntarily agreed to restrict the number of passports issued to male labourers and domestic servants to an annual maximum of 400".[21] It is noteworthy that the person who went to British Columbia to make an investigation as Royal Commissioner into Oriental immigration was William Lyon Mackenzie King, the then Deputy Minister of Labour, who was to declare the major principles of Canadian immigration as Prime Minister in the post-war period. He was made keenly aware of the sensitive nature of the immigration issue and the need for it to be handled cautiously.

In any case, only four classes of Japanese people were admissible to Canada: (a)returning residents and their wives, children, and parents; (b)emigrants specifically engaged by Japanese residents in Canada for personal and domestic services; (c)labourers under clearly defined contracts approved by the Canadian government; and (d)agricultural labourers employed by Japanese resident agricultural holders in Canada. The annual quota of 400 applied only to those in categories (b) and (d). This shows that the Japanese were far better off than the Chinese in enjoying Canadian life, for they were allowed to bring their families into Canada. This privilege eventually caused the unwelcome stereotype of the Japanese who find their spouses through pictures.

Furthermore, the Canadian government needed to take some more forceful action against the increased number of East Indian immigrants. The cabinet approved an order-in-council in 1908, in which all immigrants were prohibited from entering Canada unless they came from the country of their birth or citizenship by a continuous journey. As there were no direct steamship lines from India, all East Indian immigration was virtually halted.[22] Although this order was applied to any immigrants entering Canada, it was in reality aimed at the Indians and also at the Japanese. The Japanese became unable to come to Canada on the Hawaiian route. As a result, the Lemieux Agreement was to be more strictly fulfilled.

The Canadian experience with Asian immigrants shows us that the state effectively resisted the negative public attitude towards Asians mainly found in British Columbia in an earlier period because it had a strong desire in bringing the transnational railway construction to a smooth completion and also because foreign relations had to be taken into consideration. Even so, restrictive measures of one sort or another were gradually adopted by the federal government not to let more than the minimally required number of Chinese, Japanese, and Indians settle in Canada because most policy-makers in Ottawa shared the national vision of maintaining a white society with the people of British Columbia. Bernard M. Daly even dares to write that, in spite of Canadians' self-congratulations and a sense of pride for being humanitarian, the two uncompromising factors of economic and racial self-interest shaped Canada's immigration policy, and so Canadian society, for most of Canada's history.[23]

These policies might lead us to think that national policy-makers persistently pursued their internally generated goals, initially that of national development with the voracious use of cheap Asian labour and later that of national homogenization with the tight exclusion of non-white immigrants. On the other hand, the state action could possibly be interpreted to have been influenced by societal interests because the initial policy response was supported by business interests such as transportation and mining companies while the subsequent policy received the support of the general public. However, it is noted that the federal government was sufficiently strong to overrule the provincial government of British Columbia and that it had the constitutionally based solid power to do so. It must be remembered that international elements linked with military and trade issues were also involved in Canada's dealing with the question of Asian immigration and appeared to have outweighed domestic considerations.

The order-in-council which demanded a continuous journey was issued under the authorization given by the 1906 Immigration Act to the government, on the recommendation of the Minister of the Interior, to "make such orders and regulations, not inconsistent with this Act, as are considered necessary or expedient for the carrying out of its true intent and meaning and for the better attainment of its objectives".[24] This 1906 Act was prepared by Sifton's successor, Frank Oliver, who was even more selective in his approach to immigration in that he apparently had a clear preference for British immigrants.[25] The order-in-council whose real effect was to exclude Asian immigrants well matched the Act's unwritten intent and meaning and also the purpose of attaining its objectives even though the Act did not make any mention of race in any stretched meaning of the words.[26]

However, the word 'race' was explicitly written in the 1910 Act, even though the names of the particular races were not specified obviously not to offend any of these disfavoured races. In addition, the 1908 Order-in-Council's main objective of restricting Asian immigration was integrated into the Act. Section 38 of the 1910 Immigration Act provided that the Governor-in-Council may, by proclamation or order, prohibit the landing in Canada of any immigrant arriving not by continuous journey from his or her country of origin, of passengers brought to Canada by a transportation company not complying with the provisions of the Act, and of immigrants belonging to any race deemed unsuited to the climate or requirements of Canada or immigrants of any specified class, occupation or character.[27] It was obvious that coloured immigrants were the target of this detailed clause. To consolidate the effect, as mentioned earlier, the Chinese Immigration Act was legislated in 1923.

Then, a series of additional measures were taken against Asian immigration as a whole to make Canada as white as possible. P.C.182 of January 1923 "restricted admission of immigrants of Asiatic race to bona fide agriculturalists, farm labourers, female domestic servants, and the wife or child under 18 years of age of any person legally admitted to and resident in Canada, who was in a position to receive and care for his dependents".[28] The 1928 Japanese-Canadian Agreement limited entry of Japanese labourers and domestic servants to 150 yearly.[29] P.C.2115 of September 1930, which superseded P.C.182, "restricted Asiatic immigration to the wife or unmarried child under 18 years of age of any Canadian citizen, resident in Canada, who was in a position to receive and care for his dependents".[30] These comprehensive regulations against Asian immigration did not affect the Japanese and the Chinese because they did not apply to the nationals of any country in regard to which a law, a special treaty or agreement, or convention regulating immigration were already in operation.[31] All the other Asian peoples were regulated by the Orders-in-council mentioned in this paragraph.

The criticism that Canada's immigration law favoured the Japanese over the Chinese was a valid one,[32] as can be seen from the above-mentioned different policies applied to each. It is evident from this that a pecking order existed in Canada's immigration policy towards Asian peoples. The difference would appear to result from their respective mother countries and the differing military and commercial considerations of Canadian foreign policy. Asians other than the Japanese and the Chinese were placed between these two. It is noted that the category of Asians was not based on ethnology. Therefore, Armenians, Lebanese, and Syrian immigrants were excluded from entry into Canada in spite of their belonging to the Caucasian race, because their ancestral homes were located in Asia in a geographical sense.[33] The Jews were exempted from this general rule for the reason that they had been absent from their homeland for thousands of years,[34] although they were never actively sought after at all in any period of time.

V. The Inter-War Period

Immigration matters were transferred from the Department of the Interior to the Department of Immigration and Colonization in 1917.[35] After the First World War, Canadian immigration policy, which had coveted white population of whatever ethnic origin particularly in the West, became more selective even among the Caucasian race. Frederick C. Blair, the then Secretary in the Department of Immigration and Colonization, demonstrated the type of immigrants Canada would receive with open arms in definitive forms.[36] Because Canada needed the immigration of agriculturalists and domestics due to the prevailing economic and industrial condition,[37] he promoted settlement from preferable countries: the United Kingdom, France, Belgium, Holland, Denmark, Norway, Sweden, Iceland, Switzerland, and the United States.

Even if settlers from the countries mentioned were strongly encouraged to come to Canada, there were no regulations made which could possibly be interpreted as excluding European immigrants coming from other countries. Even so, when Blair emphasized that an incident in 1920 in which Maltese immigrants, who were all labourers, were turned away at a port of entry was purely due to economic conditions existing at that time, it is possible to discern a pecking order among the European peoples.[38] The economic rationale presented a diplomatic camouflage to conceal the real proclivity for one category over another and was a crafty excuse for ethnically based selection.[39]

Immigration in general became more restrictive after the First World War because of economic factors, but the ethnic order of preference became even more apparent under these conditions. At this time, the non-continuous journey exclusive provision might be relaxed but only in the case of *bona fide* farmers, farm labourers, and female domestic servants from Great Britain, Ireland, the United States, Norway, Sweden, Denmark, Iceland, Holland, France, Belgium, Switzerland, and Italy.[40] In 1921, the Minister of Immigration and Colonization attempted in vain prematurely to make a regulation which would prohibit the landing in Canada of immigrants of any nationality except British subjects and nationals of France, Belgium, Switzerland, Holland, Denmark, Norway, Sweden, and the United States.[41] The public support for this selective immigration was evidenced by many concrete cases. For example, the Deputy Minister was urged by a Protestant Christian group to take action for decreasing the number of Central and Southern European settlers and for increasing the number of settlers from Britain and Northern Europe.[42]

The preference given to British or Anglo-Saxon immigrants was finally consolidated in the form of Order-in-Council P.C. 183 of January 1923, which restricted immigration to "bona fide agriculturalists, farm labourers, female domestic servants, and the wife or child under 18 years of age of any person legally admitted to and resident in Canada, who was in a position to receive and care for his dependents",[43] except U.S. citizens and British subjects by reason of birth or naturalization in Great Britain, Ireland, Newfoundland, New Zealand, Australia, and the Union of South Africa. P.C. 695 of March 1931, replacing P.C. 183, restricted admission to British subjects and U.S. citizens; the wife and unmarried children under 18 years of age, or fiancé(e), of a legal resident of Canada; and "an agriculturist having sufficient means to farm in Canada".[44] Even so, in fact more non-Anglo-Saxon immigrants of other kinds were admitted on individual merit by orders-in-council between the two World Wars.[45]

Three distinct categories were gradually established for immigration purposes: preferred, non-preferred, and other nameless countries. The following passage, which appeared in a mass magazine during the Second World War, summarizes these three categories in a specific manner.

> One, the "Preferred" group which includes the citizens of all the "good Nordic" countries - Holland, Belgium, France, Germany, Norway, Sweden, Denmark, Finland (a little slip-up from correct "racial" procedure there), Switzerland and, of course, the United Kingdom; Two, the "Non-preferred" group which takes in about all the Eastern and Central European countries, including Austria, where the "inferior Slavs" live; Three, a nameless group which are forbidden entry altogether except by Special Permit for each individual case and which includes the citizens of Greece (our gallant Ally!), Italy (especially considered the less harmful Axis partner, though the other, the more harmful, is in the "Preferred" group!), Bulgaria, Syria, Turkey - and all Jews, except those who are (by implication) improved or purified Jews, by virtues of the fact that they were born within the British Empire![46]

The United States is not listed here among preferred countries because this immigrant country's population is inevitably heterogeneous in racial and ethnic terms. These three groups of countries did not exist in any of the orders-in-council, which made a distinction only between Anglo-American immigrants and the other whites. According to Freda Hawkins, this principle of sub-categorization among whites was established by the Liberal government of Prime Minister Mackenzie King after the 1922 Empire Settlement Act had been passed and when a degree of prosperity was returning in Canada after the First World War.[47]

The government decided in 1928 "cautiously but deliberately" to encourage immigration from preferred countries by opening Canadian government offices in those places.[48] Hawkins places Bulgaria in the non-preferred group and, as mentioned already, Syria and Turkey were treated as Asian countries. Hawkins points out that this "preferred" and "non-preferred" countries plan lasted only for a short period of time because immigration concerns were overwhelmed by those of the Great Depression. Even so, the conception of immigration source countries in this fashion existed since the beginning of the inter-war period and implicitly even after the beginning of the Depression. The priorities in Canadian immigration policies by the Second World War are summed up as follows: (1)settlers from within the White British Empire and the United States; (2)Northern Europeans, including the French; (3)Eastern and Central Europeans; (4)Southern Europeans; and obviously (5)non-Europeans.

Kage summarizes Canada's immigration policy in the inter-war period quite well as follows:

> The Canadian immigration policy during the decade after the First World War up to the onset of the Great Depression does not appear to have followed a consistent pattern. It was a stop-and-go approach subject to political considerations, economic trends and influence of humanitarian considerations. With the onset of the Great Depression in 1929 the ambivalency ceased. A highly restrictive immigration policy was introduced which completely barred all but a few categories of immigrants. Only immigrants from Britain or United States citizens continued to be admitted without too many difficulties.[49]

Thus, the second half of this era saw the most restrictive immigration policy in Canadian history. Economics explains this about-face in the number of immigrants admitted, but the particularistic values which differentiated diverse ethnic groups and their cultures were apparently present as a key background factor in this immigration restriction.

VI. Towards the Post-War Period

After the Nazis' inhumane action against the Jews started producing a large number of refugees eager to resettle, Canada had to decide its position on this imminent question. The political response to this international crisis was a precursor to those exhibited in the post-war period in the sense that the issue of immigration began to be hotly debated among interested parties. The Canadian National Committee on Refugees exerted pressure on the King Liberal government for adopting a more liberal policy.[50] The mass media, such as national newspapers: *The Globe and Mail* and *The Winnipeg Free Press*, were favourably disposed towards the Jewish refugees. However, it is quite easy to show with abundant evidence that Canadians, both English-speaking and French-speaking, were on the whole opposed to immigration, particularly to Jewish immigration at that.[51] The result came as follows:

> The Canadian government's success in withstanding pressure from pro-refugee groups, both Jewish and non-Jewish, was virtually complete. To the very end Blair was even proud of his achievements. ... Thus, the unyielding opposition of certain key officials, the depression, the general apathy in English Canada, the outright hostility of French Canada, the prime minister's concern for votes and the overlay of anti-Semitism that dominated official Ottawa combined to insure that no more

> than a mere handful of Jewish refugees would find a home in Canada.[52]

Appendix 1 shows that the number of immigrants received during the Second World War was meagre.

Senior policy-makers whose main task was immigration were already searching for an appropriate immigration policy for the post-war period. Blair, then Director of the Immigration Branch, enquired about desirable types of immigrants for Canada.

> When it comes to defining policy, many people merely have a negative one, that is to say, they do not want persons from certain countries or of certain races or people of certain occupations. I suppose we could all make a list of the sort of immigrants we do not want but there seems to be little agreement on the kind we do want.[53]

H.N. Jaemam, Secretary in the British Empire Service League, replied only with reference to their desire to preserve a fundamental character of Canada's existing population without saying much about who they really want to have immigrate to Canada.

> We would advise also that immigrants should not be allowed to settle in exclusive communities, but scattered amongst the general population which is predominantly Anglo-Saxon. This, we feel sure, will hasten their assimilation into our Canadian way of life.[54]

A number of groups were contributing to the making process of the post-war immigration policy, including the Salvation Army, the National Council of Women, Kiwanis International, Associate Boards of Trade.[55] Dr. Robert Newton, Dean of Agriculture at the University of Alberta, was of the opinion that Canada must increase its population after the War by taking in large numbers of continental immigrants.[56] His idea was based on an economic rationale that "Canada needs huge consuming classes in order that the domestic market may be enlarged and less dependence placed on foreign markets for the sale of surplus agricultural products".[57]

The Canadian Unionist, the official magazine of the Canadian Congress of Labour, advocated the need for an intelligent planning of immigration in the post-war period, lest Canada should be agonized through unemployment.[58] Shipping companies, which would gain most from transporting a large number of immigrants across the Atlantic, supported increased immigration in the post-war period and placed their own agents in Europe to promote immigration. The general public, on the other hand, were on the whole inward-looking, preoccupied mainly with their domestic interests, bent against massive immigration for the time being.[59]

Blair, exposed to various opinions and weighing the costs and benefits of the options available, was of the opinion that any decision on immigration matters should be deferred until the end of the war, by which time he had retired from his long-held influential position in the Department.

> I think it will be found that while immigration will be a very important factor in the post war years no Government is going to try at this stage to lay down any hard and fast policy as to what will be done after the war. I am sure that there will be millions in Europe anxious to move and there is room in Canada for a lot of the right sort of people but when and how they should be moved will depend on developments that will take place after the war.[60]

He was very much aware of the two things which must take precedence over post-war immigration.[61] These were the re-establishment of enlisted men and women at the conclusion of the war, and the return of civilian population engaged in war-time production to peace-time production. Even so, he was firm in believing that there would be no changed attitudes in Western Canada about offering an open door to the people from the Orient, and that Canada should preserve its predominantly British character by adopting something like a racial quota which helps keep British immigration larger than the others.[62]

After Blair's retirement from the Director's job, his deputy, A.L. Jolliffe, took over the chief position in immigration. Abella and Harold Troper write the following:

> One observer was later to recall of Jolliffe that he consistently endeavoured "to interpret Canada's immigration regulations in - generous and liberal sense". For all this, however, Jolliffe was no less a civil servant than Blair. ... he certainly knew the intent of government policy in the summer of 1943 and recognized the likelihood that any tinkering with that policy, even as the new director, would not be received well in the cabinet or by the civil service organization he now headed. Even with Blair gone, his policies would dominate thinking in the Immigration Branch for years to come.[63]

A restrictive view of immigration was not, however, only to be found in the Cabinet and bureaucracy. The Department of Mines and Resources kept receiving letters to the effect that a policy of post-war immigration should not be formulated and implemented until Canada's own soldiers and civilian men in war work are looked after to be established in permanent positions, and in fact could not determine its position.[64]

There were some exceptions to this general attitude. The Toronto Conference Young People's Union submitted a list of its resolutions, which were quite enlightened at that time.

> Be it resolved that:
> -1. Canada enter on a policy of large scale immigration with no restrictions as to race, nationality, or religion.
> -2. Refugees now living in Canada be given opportunity to become citizens without race, nationality or religion.
> -3. The Canadian Government be urged to institute a program of education in the meaning of Canadian citizenship for all new Canadians.
> -4. Full citizenship rights including the franchise be granted to all Canadians including Japanese Canadians with no exclusion on the basis of race, colour or creed.[65]

However, this radical departure from the existing Canadian immigration pattern did not have the support of the Canadian public in general. These innovative ideas of one group came two decades in advance of real policy change.

VII. Conclusion

Although it seems that the executive branch of the state apparatus was given a relatively free hand in their conduct of Canada's immigration policy throughout the pre-1945 period, what civil society wanted in immigration was in one way or another taken into consideration by policy-makers. However, this early period did not see much activity on the part of interest groups concerned with immigration policy. When the immigration acts were passed in Parliament, the bureaucratic Department in charge of immigration was always both a chief instigator and a principal planner of legislation. It may be more precise to say that not the executive branch but the administrative branch of the government controlled immigration policy particularly in the first half of the twentieth century. Even the Prime Minister and the Minister whose portfolio included immigration were only selectively informed of what was going on inside the Department.

John Schultz seconds this idea of the administrative branch's dominance in immigration policy. He writes the following:

> Permanent civil servants, in a Parliamentary system, are often more effective policymakers than

> the Members and Governments they serve. Unrestrained by political consideration and secure in office, department heads can pursue private ends with a vigor and determination denied their nominal masters. ... the actual policy was decided by the bureaucrats at Immigration Branch in light of what they regarded as fit and proper considerations for Canada.[66]

Thus, it is no exaggeration that Blair and Jolliffe paramountly fashioned the shape of Canadian immigration policy in the inter-war period and up until King's statement.

This bureaucratically-centred view is supported by Abella, who argues that "immigration policy was largely in the hands of a small number of bureaucrats."[67] His co-author of the aforementioned book on the Jews, Troper, informs us that immigrant group lobbying was generally of little significance in Canada, while it was a mainstay in the determination of American immigration flows.[68] Abella explains this Canadian phenomenon by the fact that immigration was always a potentially controversial issue which the government wanted to handle rather quietly. It was, according to him, a 'political hot potato' which no one in Ottawa liked to touch.[69] Immigration policy was given little respect in comparison with many other different government activities because of its explosive nature. It was to be avoided by all means, even though it stayed more or less dormant in this earlier period. No politician would enjoy greater prestige by being designated specifically as the immigration minister. This is one reason why immigration was not usually given its own department but often passed back and forth amongst various departments (Agriculture, the Interior, and Mines and Resources).[70]

The prelude to King's major speech on immigration in Parliament shows us that the state, in pursuit of national development for the country, did not need to prepare a deliberate machinery to fuse societal pressures exerted by well-organized interest groups. The state, more precisely the federal government's bureaucracy, securely controlled the policy area of immigration, and formulated and administered policy in a rather secretive manner. Various interest groups sporadically attempted to influence the policy. However, they were never invited nor was it seen as necessary for them to participate in an open process of policy-making. While the earlier period in Canadian Confederation, which saw the rise and settlement of the Asian immigration question, did not provide a good test case of the relationship between the state and civil society because of the lack of conclusive evidence, the inter-war decades and the war-time period demonstrate a sufficient amount of evidential support for the state's dominance in this particular policy field. Yet one cannot ignore the attempts to influence policy by certain societal interests and the fact that Ottawa's immigration policy was throughout much of this period in convergence with the anti-immigration public mood. Even in this early period there were signs of the extent of societal interest in immigration policy. Subsequent chapters will demonstrate the expansion of these.

Notes

1. Joseph Kage, "The Selective Aspect of the Canadian Immigration Policy: A Historical Review", *The Social Worker*, Vol.XXXI, No.1, Oct.1962, p.24.

2. A. Paul Pross, *Group Politics and Public Policy*, Oxford University Press, Toronto, 1986, pp.22-23.

3. For a good guide, see Trevor Matthews, "'Vitally Important Allies'? The Role of Interest Groups in Government Decision-Making: A Review Essay", *Australian Journal of Public Administration*, Vol.XLVII, No.2, June 1988, pp.147-163.

4. Arthur R. M. Lower, *Colony to Nation: A History of Canada*, 5th ed., McClelland and Stewart, Toronto, 1977, p.8.

5. Ibid., p.36.

6. Jean R. Burnet with Howard Palmer, *"Coming Canadians": An Introduction to a History of Canada's Peoples*, McClelland and Stewart, Toronto, 1988, p.15.

7. Kage, op.cit., p.25.

8. Department of Citizenship and Immigration [hereafter referred to as DCI], "Development of Canadian Immigration Law", Apr.1, 1963, p.4.

9. John Barnett, "Post-War Immigration to Canada", *The Dalhousie Review*, Vol.XXV, No.1, April 1945, p.25. See Mabel F. Timlin, "Canada's Immigration Policy, 1896-1910", *The Canadian Journal of Economics and Political Science*, Vol.XXVI, No.4, Nov.1960, pp.517-532.

10. J.W. Dafoe, *Clifford Sifton in Relation to His Times*, Macmillan of Canada, Toronto, 1931, p.131.

11. Clifford Sifton, "The Immigrants Canada Wants", *Maclean's*, Vol.XXXV, No.7, Apr.1, 1922, p.16.

> In those days settlers were sought from three sources: one was the United States. The American settlers did not need sifting; they were of the finest quality and the most desirable settlers. In Great Britain we confined our efforts very largely to the North of England and Scotland, and for the purpose of sifting the settlers we doubled the bonuses to the agents in the North of England, and cut them down as much as possible in the South. ... I do not wish to suggest that we did not get many very excellent people from the more southerly portions of England, but they were people who came on their own initiative largely, which was the best possible guarantee of success. ... Then came the continent where the great emigrating center was Hamburg. ... Obviously the peasants are the men that are wanted here.

12. Ibid., p.16.

13. R. Bruce Shepard, "Plain Racism: The Reaction Against Oklahama Black Immigration to the Canadian Plains", *Prairie Forum*, Vol.X, No.2, Autumn 1985, p.368, p.369.

> The Canadian reaction to the black immigrants was plain racism. The dominant groups who settled on the Canadian Plains had well-developed views of blacks. ... Canadian immigration authorities were in fact already concerned with the developing black influx, and were trying to stop it.

14. Constantine E.A. Passaris, "Absorptive Capacity and Canada's post-war Immigration Policy", *International Migration*, Vol.XVII, Nos.3/4, 1979, p.297.

15. Ibid., p.297.

16. The best books on this subject are: W. Peter Ward, *White Canada Forever: Popular Attitudes and Public Policies towards Orientals in British Columbia*, McGill-Queen's University Press, Montreal, 1978; Patricia E. Roy, *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914*, University of British Columbia Press, Vancouver, 1989. It is important to note that the anti-Oriental feeling was not completely confined to B.C. See, for example, Howard D. Palmer, "Anti-Oriental Sentiment

in Alberta 1880-1920", *Canadian Ethnic Studies*, Vol.II, No.2, Dec.1970, pp.31-57.

17. This principle was enunciated by Joseph Chamberlain, the British Colonial Secretary, at the 1897 Colonial Conference. Cf. A.T. Yarwood, *Asian Migration to Australia: The Background to Exclusion 1896-1923*, Melbourne University Press, Melbourne, 1974, p.124.

18. For details, see G.V. La Forest, *Disallowance and Reservation of Provincial Legislation*, Department of Justice, Ottawa, 1955.

19. Gary Yee, "The legacy of a racist law", *The Globe and Mail*, Apr.30, 1993, p.A17; Nobuaki Suyama, "Mulroney's unpaid debt", *Solstice*, Vol.V, Issue 2, May 13, 1993, p.10.

20. F.J. McEvoy, "A Symbol of Racial Discrimination: The Chinese Immigration Act and Canada's Relations with China, 1942-1947", *Canadian Ethnic Studies*, Vol.XIV, No.3, 1982, p.25.

21. Ken Adachi, *The Enemy That Never Was*, McClelland and Stewart, Toronto, 1976, p.81.

22. The Komagata Maru incident should be remembered to realize how rigorously this rule was enforced. A Japanese ship carrying Sikhs arriving at a Vancouver port was sent back all the way to India because it did not come non-stop from India. See H.J.M. Johnston, *The Voyage of the Komagata Maru: The Sikh Challenge to Canada's Colour Bar*, Oxford University Press, Delhi, 1979.

23. Bernard M. Daly, "Immigration Policy: Its Impact on Canadian Society", in Keith A. McLeod(ed.), *Multiculturalism, Bilingualism and Canadian Institutions*, Guidance Centre, Faculty of Education, University of Toronto, Toronto, 1979, p.28.

24. DCI, op.cit., p.5.

25. See K. Tony Hollihan, "'A brake upon the wheel': Frank Oliver and the Creation of the Immigration Act of 1906", *Past Imperfect*, Vol.1, 1992, pp.93-112.

26. DCI, op.cit., p.5.

> Prohibited Classes - It defined "immigrants prohibited from landing", these including any person who was feeble-minded, an idiot, epileptic or insane or who had an attack of insanity within five years; persons afflicted with loathsome

> contagious or infectious disease; paupers, professional beggars, vagrants, or who is likely to become a public charge; criminals and persons undesirable morally.

27. The clause (C), which deals with the race issue, was elaborated in the 1919 amending Act.

> (C) Prohibit or limit in number for a stated period or permanently the landing in Canada or the landing at any specified port or ports of entry in Canada, of immigrants belonging to any nationality or race or of immigrants of any specified class or occupation, by reason of any economic, industrial or other condition temporarily existing in Canada or because such immigrants are deemed unsuitable having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry.

28. DCI, op.cit., p.7.

29. Ibid., p.7.

30. Ibid., p.8.

31. National Archives of Canada [hereafter referred to as NAC], RG 76, Vol.29, File 653, pt.19, "Information Respecting Classes of Persons who may enter Canada as Immigrants, Department of Labour", Sept.15, 1947.

32. "Says Canada's Immigration Law Favors Japanese Over Chinese", *The Gazette*, Dec.28, 1938, p.5.

33. NAC, RG 76, Vol.29, File 653, pt.19, Memo from H.L. Keenleyside, Deputy Minister of the Department of Mines and Resources, to Colin Gibson, Minister of Mines and Resources, Aug.9, 1949.

34. NAC, RG 76, Vol.811, File 551-1, pt.6, "Immigration Policy with respect to Persons of Asiatic and Negro Racial Origin".

35. DIC, op.cit., p.7.

36. NAC, RG 76, Vol.29, File 653, pt.2, Letter from F.C. Blair, Secretary, Immigration and Colonization, to F.C. McCure, Passenger Manager, The Robert Reford Co., Mar.2, 1920.

37. This idea's legal foundation was stipulated in Section 38(C) of the Immigration Act.

38. NAC, RG 76, Vol.29, File 653, pt.2, Letter from Blair to McCure, op.cit.

39. See Note 41.

40. NAC, RG 76, Vol.29, File 653, pt.2, Official Circular No.8, from W.W. Cory, Acting Deputy Minister of the Department of Immigration and Colonization, 1920.

41. Ibid., Memo from the Minister of Immigration and Colonization to the Governor General in Council, June 9, 1921.

For example, Robert Forke, Minister of Immigration and Colonization, wrote the following:

> If the Mediterranean peoples cannot withstand our climate they gravitate to warmer countries and leave the field here for the Nordic and Alpine peoples. Our immigration activities are confined with the exception of one or two countries, to those parts of the world from which we get Nordics and Alpines. I have no doubt that if the United States had continued what was less or more an open door policy until the introduction of the quota law there would not have been the same interest on the part of the Mediterranean peoples to come to Canada.

Cf. NAC, RG 76, Vol.29, File 653, pt.16, Letter from R. Forke, Minister of Immigration and Colonization, to Dr. Frank N. Walker, in Toronto, Mar.3, 1927.

While it is not certain whether Canada would have received as many immigrants of the Latin type without the 1924 U.S. Immigration Act, which served the purpose of restricting the number of Southern European immigrants to the U.S., the sentiment expressed in this letter for Nordics and Alpines was a real one in that period.

42. NAC, RG 76, Vol.29, File 653, pt.3, Letter from W.J. Egan, Deputy Minister of the Department of Immigration and Colonization, to A.E. Gooderham, President, The Protestant Federation of Patriotic Women of Canada, Toronto, Mar.6, 1924.

> I have your letter of the 29th ultimo on behalf of the Protestant Women's Federation of Canada protesting against the reported settlement in Saskatchewan of 3,000 German families and the reported emigration from Southern Europe of 6,000 Jews and urging as well the advisability of increasing our population from the British Isles and Northern Europe.

The same Deputy Minister wrote in reply to the enquiry made by the M.P. who was concerned about his riding's ethnicity.

> I desire to inform you that the Department is bending every effort to bring to Canada immigrants from the British Isles, and in conformity with this policy the Dominion of Canada became an active participant in the Empire Settlement Scheme which provides under certain conditions for the furnishing of assistance to settlers from the British Isles to enable them to proceed to Canada and became satisfactorily placed. ... With regard to the portion of the Resolution which records the opinion that there should be total exclusion of all foreign immigrants, such a policy I am sure you will agree would be inadvisable. There is a constantly increasing demand for agricultural labour in the West, and the same is such that the requirements year by year cannot be altogether filled by immigrants from the British Isles and we have, therefore, to look to other sources to meet the needs. You are assured, however, that this Department is taking every possible precaution in the selection of such immigrants.

Cf. Ibid., Letter from W.J. Egan, Deputy Minister of the Department of Immigration and Colonization, to D.F. Kellner, M.P., May 2, 1924.

43. DIC, op.cit., p.7.

44. Ibid., p.8.

45. NAC, RG 76, Vol.29, File 653, pt.18, Letter from M.M. Mahoney, For the Minister, to O.D. Skelton, Under-Secretary of State for External Affairs, Sept.24, 1940.

46. Watson Thomson, "Our Inhumanity to Men", *National Home Monthly*, Vol.XLIV, No.10, Oct.1943, p.32, p.34.

47. Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, McGill-Queen's University Press, Kingston and Montreal, 1989, p.27.

48. Ibid., p.27.

49. Kage, op.cit., p.26.

50. Irving Abella and Harold Troper, *None Is Too Many: Canada and the Jews of Europe 1933-1948*, Lester & Orpen Dennys, Toronto, 1983, p.64.

51. NAC, RG 76, Vol.243, File 165172, pt.9. There were a great many letters, which implored restriction of immigration, addressed to the Department of Mines and Resources, which took over the responsibility for immigration from the abolished Department of Immigration and Colonization in 1936.

52. Abella & Troper, op.cit., pp.66.

53. NAC, RG 76, Vol.243, File 165172, pt.9, Letter from F.C. Blair, Director of the Immigration Branch, to H.N. Jaemam, Secretary, Mission Branch No.57, Canadian Legion of the B.E.S.L., Mission City, B.C., Apr.4, 1942.

54. Ibid., Letter from Jaemam to Blair, Apr.20, 1942.

55. Ibid., Memo for File, F.C. Blair, Director of the Immigration Branch, Aug.11, 1942.

T.A. McGillivray of Toronto wrote to the Prime Minister, to the effect that "one of the most important problem that Canada will have to face immediately at the end of the war is immigration." Cf. Letter from M.C. Ironside, Secretary, Associate Boards of Trade of Vancouver Island, Nanaimo, B.C., to W.L. Mackenzie King, Prime Minister, July 8, 1941.

56. Leonard D. Nesbitt, "Immigration after the War", *The Lethbridge Herald*, Nov.1, 1940, p.18.

57. Ibid., p.18.

58. J.R. Kay, "Canada's Post-War Problems: III. The Problem of Immigration", *The Canadian Unionist*, Vol.XVII, No.1, June 1943, pp.10-11.

59. NAC, RG 76, Vol.244, File 165172, pt.10, Letter from J. Prates, in Toronto, to the Department of Mines and Resources, Dec.3, 1943; Letter from N. Henry, in Norwood, Man., to the Department of Mines and Resources, Dec.7, 1943; Letter from C.R. Johnston, Secretary, Owen Sound Rehabilitation Council, Ontario, to W.S. Woods, Associate Deputy Minister of the Department of Pensions and National Health, Dec.7, 1943; etc.

60. Ibid., Letter from F.C. Blair, Director of the Immigration Branch, to D.J. Purtill, National Convenor Immigration and Child Welfare, Catholic Women's League of Canada, Halifax, Apr.30, 1943.

61. Ibid., Letter from F.C. Blair, to Tracy Phillips, Committee on Co-Operation in Canadian Citizenship, Department of National War Services, Mar.25, 1943.

62. *The Globe and Mail* strongly supported this predominantly British concept. Cf. "More People, and British", The Editorial, Sept.21, 1942, p.6; "We need British Immigration", The Editorial, Sept.25, 1942, p.6; "Right Type of British Settlers Should Be Welcomed by Canada", The Editorial, date unknown.

63. Abella & Troper, op.cit., p.156.

64. NAC, RG 76, Vol.244, File 165172, pt.11, Letter from C.E.S. Smith, Commissioner, Immigration Branch, to William J. Dillon, in Brantford, Ontario, May 15, 1944.

65. Ibid., Letter from E. Telson, Secretary, Toronto Conference Young People's Union, The United Church of Canada, Toronto, to the Department of Immigration, Nov.22, 1944.

66. John Schultz, "White Man's Country: Canada and the West Indian Immigrant", *The American Review of Canadian Studies*, Vol.XII, No.1, Spring 1982, p.53.

67. Irving Abella, "Foreword", in Barbara Roberts, *Whence They Came: Deportation from Canada 1900-1935*, University of Ottawa Press, Ottawa, 1988, p.viii.

68. Harold Troper, "Canada's immigration policy since 1945", *International Journal*, Vol.XLVIII, No.2, Spring 1993, p.256.

69. Abella, op.cit., p.viii.

70. Hawkins writes that this unseemly situation continues into the post-war period. Immigration is a state activity to be taken care of but very discreetly.

> Among Canadian politicians, the Citizenship and Immigration portfolio was never seen as a prestigious or politically rewarding one. Within the public service, and particularly within Canada's growing foreign service, immigration officers were regarded as rather lowly beings and given low classifications.

Cf. Hawkins, op.cit., p.36.

Other writers support this idea that immigration is an unavoidable operation for the Canadian state, but something for politicians to bypass and something for public servants to give a lower priority. Cf. Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-1990*, Dundurn Press, Toronto, 1992, p.129; Steve Lucas, "The Gatekeeper", *Saturday Night*, Vol.XCIX, No.6, June 1984, p.34; Philip Marchand, "Admission Restricted?", *Saturday Night*, Vol.XCVI, No.1, Jan.1981, p.32.

CHAPTER THREE Mackezie King's Statement and the 1952 Act

I. Introduction

The first important decision in defining Canada's post-war immigration policy in a definitively articulated form is found in Prime Minister William Lyon Mackenzie King's public statement in the House of Commons, on the 1st of May, 1947. His Parliamentary speech embodied the goals of Canadian immigration policy in effect since Confederation.[1] He emphasized the following points:

> 1. The policy of the Government is to foster the growth of the population of Canada by the encouragement of immigration. ...
> 2. It is of the utmost importance to relate immigration to absorptive capacity. ...
> 3. There will be general agreement with the view that the people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population. Large-scale immigration from the Orient would change the fundamental composition of the Canadian population. ...
> 4. With regard to the selection of immigrants much has been said about discrimination. I wish to make it quite clear that Canada is perfectly within her rights in selecting the persons whom we regard as desirable future citizens. ...
> 5. British subjects from the United Kingdom, Ireland, Newfoundland, New Zealand, Australia or the Union of South Africa, and citizens of the United States, who desire to enter Canada will only be required to meet certain standards of health and character, and to show that they are not likely to become public charges.
> 6. During the depression and the war, immigration was inevitably restricted; now the categories of admissible persons have been considerably widened. ...[2]

European immigrants were only regarded as tolerable newcomers provided they could be assimilated into the British mainstream in Canadian society.[3]

The Liberal Party, which is characterized as the Government Party because of its dominance on the national political scene,[4] was the party which set the country on a new path to an active immigration plan in the post-war period, although partisanship seems to have had very little to do with immigration policy. As discussed later in more detail, a senior bureaucrat in the Immigration Branch was the chief instigator of this move and several assistants to King were the authors of this Parliamentary speech, whose grand design for Canada's future marked Canada's immigration policy up until the radical change of the 1960's. The pattern of this bureaucratic dominance was, as noted in the previous chapter, a continuation of past practice set before and during the Second World War.

Even admitting that the policy-making power stayed more or less in the hands of key governmental officials, it is apparent that an observable change was taking place at this early stage. The Immigration Director took the initiative in determining the timing of the statement on post-war immigration policy, which fortunately soothed the alert nature of the Prime Minister and preempted an intrusion of the Minister in charge of Immigration into the question. A.L. Jolliffe's recommendation to defer a big decision until two years after the War was followed by the public hearings of a Senate Committee and an Interdepartmental Committee at the bureaucratic level both of which can be seen as responses to an emergent policy community in immigration whose concerns could not to be disregarded by the state. In the final analysis, it was the Cabinet Committee on Immigration Policy that determined the contents of King's speech delivered in the House of Commons. The ghost writers of the public statement incorporated the prevailing public opinion and many of the interests that had been aggregated in organized groups into the policy statement. Their draft was very well received by King and his Cabinet ministers.

During this period there were more activities of pressure groups than in previous decades. There was a presage of the burgeoning policy community, which was brought into the process of policy-making, for example through the Senate Committee, the likes of which had never existed before this period to assess opinions in civil society. An effective policy would increasingly require the skilful co-optation of societal interests. The state's position was strengthened by some important sectors of society, who wished to have post-war immigration well planned by the state on a long-term basis without the hefty intervention of short-term private interests in the process.

The strong position of the state was also evident in the making of the 1952 Immigration Act, which provided the legal underpinning for King's broad outline of Canada's post-war immigration policy. State autonomy was "increased [in the 1952 Act] by the state's exploiting its jurisdictional base, defining its legislative mandate so as to leave extensive pools of discretionary power in the hands of cabinet ministers and their officials, and making symbolic and minor substantive concessions that do not threaten agenda control".[5] The period in question was characterized by the rising tension between traditional statism to keep a tight control over the policy-making process and a sign of emerging pluralism to see interest-group activities exerting one pressure or another on the state.

II. The Timing of the Statement

The Second World War was over when Japan surrendered to the Allies in August, 1945. Mackenzie King's Parliamentary speech came in May, 1947. This two-year delay after the end of the Second World War strikes us in comparison to another major immigrant-receiving country, Australia for instance. This similar Anglo-Saxon country's active post-war immigration policy was put in place by its Labor government as early as 1945. It is noteworthy that Australia's first Minister for Immigration, Arthur A. Calwell's announcement of a post-war massive immigration programme in the House of Representatives came even before the end of the War, on the 2nd of August.

David Corbett attempts to explain this time-lag with reference to a dichotomy of realism/idealism in foreign policy.[6] According to him, realism in immigration policy-making means making decisions in order to maximize the national interest internationally and by following the line of least resistance in public opinion domestically, while idealism means making policy in consonance with international justice such as racial equality or equitable distribution of wealth and by leading the public towards the goal which is not currently popular but which is more beneficial in the long run.

Corbett argues that it was because realism controlled Canada's immigration policy more than Australia's in its approach to domestic politics that Canada waited until turmoil and unease had disappeared. However, everyone familiar with the Australian case knows well that Australia had an urgent national interest in rapidly increasing the volume of immigration in the post-war period because the people realized how vulnerable a sparsely populated country is to an external attack after Japan's bombing in Darwin.[7] It is perhaps more accurate to say that both countries had the realist motive to increase their national interest, but that the urgency of the need made a difference. On the other hand, the paragraph below indicates that there was another more specific reason for Canada's postponement, to support what Corbett calls the delaying tactics in order to sound public opinion.

This deferral turned out to be advantageous for the Prime Minister, given his canny and cautious character.[8] King was reluctant to take any firm stance on immigration because of the uncertainty existing in Canadian society until he probed into public opinion. Corbett succinctly discusses this aspect of politics in his major work on Canada's immigration policy.

> What was involved here is the question whether a government under the parliamentary system should

> lead its people or follow them. MacKenzie King is reputed to have said once to friends that his theory of leadership was based on the conduct of the bell-wether in the field. He mills around with the flock until they decide which gate to go out by. Then he races to the front and leads them out. The story may be apocryphal, but the record is consistent with that theory.[9]

Apart from this philosophical question on democracy, the action taken by King was, as was always the case with him, that of the judicious compromises under conflicting pressures.

However, an equally tangible motive existed for King's statement's timing. Jolliffe recommended to the Cabinet that the immediate post-war period must be differentiated from later years. He thought that overseas immigration was not possible in the immediate future, nor was it desirable except in very limited numbers for the following reasons:

> 1. Transatlantic passenger accommodation for other than Service personnel, their dependents, and high priority passengers will not be available for a year and probably longer.
> 2. It is not possible to estimate the extent to which the country can absorb a continuous flow of immigrants until,-
> (a) The re-establishment of Service personnel is well advanced.
> (b) the reconversions of industry to peacetime activities is accomplished.
> (c) there is information on the re-establishment and expansion of our foreign trade.[10]

He concluded that it was not wise to determine a long-range post-war immigration policy at that moment and that the government should keep the existing regulations and procedure unchanged until Canada was back to normal conditions and its immigration absorption capacity could be accurately measured. In the immediate aftermath of the War, Jolliffe, who was very experienced in immigration policy, was already suggesting that a long-range post-war immigration policy should be the subject of review by the Cabinet in the early months of 1947. Bureaucrat as he was, he could not remain utterly indifferent to what civil society wanted if the policy was to be supported by the Cabinet.

In fact, the Minister of Mines and Resources, Thomas A. Crerar,[11] received a detailed proposal for post-war immigration, titled "The Loyal Edmonton Regiment Immigration Plan", from the Canadian Legion of the British Empire Service League, with a persuading proviso that the time for putting this plan into effect should not be earlier than two years after the War.[12] This time period was considered as the minimum necessary for the re-establishment of Canada's own armed forces and civilian war workers. It was suggested that Canada would need a large population for its own economic development and also for the benefit of various other nations interested in sending immigrants to Canada. A deliberate plan was required for best utilizing Canada's great natural resources and strengthening its nationhood. In their view, no social groups were expected to dominate the making of post-war immigration policy. With all its enthusiasm for large immigration, this proposal emphasized the need for planned immigration with no weighty intervention from private interests. The concern with a possible domination of the policy field by the bourgeois section of society was invoked because of the presence of transportation companies whose interests consisted merely in expanding the volume of immigration for their own profit-making.[13]

A shrewd politician such as King needed abundant time to take any definitive action on post-war immigration. Especially because he had had a bitter experience with Oriental immigration four decades before, he knew that the question was a sensitive one, which could explode and do fatal damage to his government. However, it was primarily the recommendation from the Director of the Immigration Branch, whose opinion counted most in immigration matters, that determined the timing of the statement. This pattern of dependence on the Immigration Director's opinion had continued from the previous two and a half decades, as we have seen in the previous chapter. In addition, there was a convergence of different interests in society around the matter of timing.

III. The Concept of 'Absorptive Capacity'

It is fair to say that Prime Minister King successfully presented the principles of Canada's post-war immigration policy broadly and vaguely lest they should alienate any large segment of Canadian society.[14] It appeased a wide range of differing opinions on various aspects of the subject and thus retained the support of societal interests. This way of presenting Canadian immigration policy in Parliament was best exemplified in the elusive concept of Canada's 'absorptive capacity' of population.[15]

No precise definition of the term 'absorptive capacity' was given in the speech.[16] On what basis does one determine whether the inflow of immigrants is excessive or inadequate? How does one carry out immigration control, selectively by occupational group, by geographic origin, or by country of origin? Although the first category seems a decisive one, King's statement contained two conflicting elements between the aim to increase the size of Canada's population (a long-term goal) and the efforts not to overload the Canadian population with new labour force entrants (a short-term goal). These two goals can be compatible at times, if population is increased by immigrants all of which are smoothly integrated into the Canadian economy. However, on planning immigration, these two principles do not go hand in hand. If the long-term goal is to be attained, the government must avoid an on-and-off approach to immigration, that is, a short-run policy: month-to-month decision-making to fill in labour needs with small numbers of individual immigrants. If the short-term goal is considered more important, the government's plan to increase Canada's population is hindered because it can bring in only immigrants who do not enter competition with Canadian workers.

In fact, this difficult dilemma represented a long-standing conflict between the Department of Labour and the Department in charge of Immigration. Although the Immigration Branch of the Department of Mines and Resources had a right to manage immigration at home and overseas, they did not monopolize control over immigration because of the need to consult the Department of Labour on employment opportunities and manpower needs in Canada. Hawkins described the nature of the conflict well.

> The Department of Labour's point of view in immigration was unambiguous. It had been enunciated quite plainly by two Ministers of Labour in the evidence they gave before the Standing Committee of the Senate on Immigration and Labour. The Department of Labour firmly believed that immigration programming should be geared to the business cycle, and that, in times of heavy, or threateningly heavy, unemployment, immigration should be severely restricted. It also believed that the annual immigration program should be planned, as far as possible, with a view to filling precise gaps in the labour force. The Department of Citizenship and Immigration, believing in the long-term value of immigration and becoming increasingly aware of the real operational difficulties of the "tap on and off" policy, instinctively rejected this view and gave in to it only when obliged to do so.[17]

An attempt to please the two seemingly incompatible views on immigration was found in King's statement. This will be discussed more fully later in the section dealing with the process of drafting the statement.

H.L. Keenleyside, who served as Deputy Minister of the Department of Mines and Resources for several years, elaborated the concept of absorptive capacity.[18] One aspect of absorptive capacity was to measure the mere superficial area of the land in relation to the population, but in the contemporary period, particularly when Canada was moving from a rural economy to an urban economy, he added four factors which would affect the country's absorptive capacity. His view was also indicative of the Department that saw the long-term benefit of immigration. They are (1)the nature, distribution, availability, and marketability of Canada's natural resources, (2)the knowledge of effective techniques of extraction, processing, and distribution, (3)the existence of large accumulations of capital available for investment, and (4)the quality of the present situation - quality measured in terms of character, education, and philosophy. Given this sophisticated enunciation of the concept, we are still left with the problem of how to calculate Canada's absorptive capacity concretely.

B.K. Sandwell, Editor-in-Chief of *Saturday Night*, argued that Canada could, though only within certain maximum and minimum limits, determine its rate of population increase.[19] These upper and lower limits can be determined by two factors: military security and economic development. The military consideration favours the highest rate of population increase for the purpose of augmenting national power. With regard to the economic side of the immigration debate, Sandwell writes that, prior to the First World War, a large volume of immigration was considered as good by both the employing classes and the employed classes, as far as immigrants were culturally assimilated. The manufacturing industry, railways, the mining industry, were all dependent on continued immigration. However, after the War, particularly after the Great Depression, the official attitude of organized Labour turned negative because immigrants were viewed as competitors in a scarce labour market. Although agriculturalists and domestic servants were admitted easily with no opposition from organized Labour, they were not prevented from moving into the more preferred professions in which they faced competition with Canadian workers.

It is evident that even an estimation of desirable population increase on an economic basis only is quite difficult because many factors relating to employment are quite unpredictable.[20] Long-term economic policy, which deals with manpower needs and which has the effect of transforming the whole economic structure, cannot be carried out by doing mere patching work in the labour market. The debate over absorptive capacity is an endless one without an objective measure. The concept is highly sensitive not only to technological innovations and structural transformations, but also to constantly changing minor economic conditions. This elusive concept of absorptive capacity was, as mentioned before, reflective of the long-standing interdepartmental rivalry within the state. It demonstrated that the state was not a monolithic entity which would coherently pursue a series of clearly defined goals. The immigration lead agency, the Immigration Branch, did not monopolize the jurisdictional power in this policy arena. The question of state autonomy aside, this fragmentation of authorities had an important bearing on the state's (in)capacity "to draw on sufficient institutional resources both to design policies that will realize its policy objectives and to implement these policies".[21] Even at this early stage Canadian policy vis-à-vis the immigration level was not a result of a unified state's rational calculation to maximize the national interest. A plurality of state actors with competing interests were involved in the process of policy-making.

IV. Racial Composition of Immigration

According to Harney, a half of Canada's twelve million people claimed descent from the British Isles and thirty percent of them from France in 1947.[22] King promised not to change fundamentally this character of Canada's population, that is, mostly white and predominantly British. Although the concept of absorptive capacity did not have any explicit reference to skin colour, but only to economies of scale, full employment, and industrial expansion, we find that it was based on an assumption that immigrants were predominantly white. Asian immigrants, and implicitly black immigrants as well, were excluded from entry into Canada, because they would alter the fundamental composition of Canada's population.

Even so, it was decided to repeal the Chinese Immigration Act, for this was considered too inhumanitarian. The Chinese, even naturalized, could not bring their families into Canada, although other Asians were allowed to do so after naturalization. F.C. McEvoy writes appropriately that "the main complaint of the Chinese was not that immigration was restricted, but that it was done in a humiliating manner not applied to any other country".[23] The difference between the severity of the rules restricting Asiatic immigration in general and that of the Chinese Immigration Act is described as the following:

> The Chinese Immigration Act applied to all "entrants" into Canada, while the Immigration Act, and the regulations made in accordance with it, deal only with "immigrants", that is, with entrants who intend to acquire Canadian domicile. ... The Order excluding Asiatics has not always been quite so severe as it has been made by P.C.2115, which was made on 16th September, 1930, ostensibly because of the unemployment prevalent in Canada. ... the object of the exclusion of wives and children is probably to limit the numbers in the next generation of Chinese in Canada to the children of Chinese women already in Canada. The effect of this limitation will be that the numbers of Chinese in British Columbia will fall rapidly in the next twenty years, until a small and manageable

> community remains.[24]

The Chinese did not possess powerful armaments to have Canada place them in a less disagreeable position, unlike the Japanese whom Canada was obliged to treat with courtesy because of the Japanese state's military strength.[25]

The Cabinet came to an agreement on abolishing this disgraceful Act, which irritated the Chinese people's self-pride before the more general immigration policy orientation was set. According to McEvoy, Louis St. Laurent, Secretary of State for External Affairs, notified the Cabinet on December 1, 1946, that "the United Nations Charter would be used to argue the right of admission of the wives and children of Chinese 'lawfully in Canada'."[26] Ten days later, he pointed out to the Cabinet Committee on Immigration that the existing Canadian policy towards the Chinese could not be successfully defended under Canada's obligation under the United Nations Charter to do away with racial discrimination and to respect fundamental human rights. The Department of External Affairs gained a voice in the shaping of Canada's immigration policy in view of Canada's interests beyond its borders. Exposed to external environments, the Canadian state was forced to respond, at least in a limited fashion, to these external commitments. Due to the limitations imposed on the state behaviour in international society, an important concession had to be made by Immigration officials to their grand design to maintain and expand the population which is restrictively white. It was a design that was supported by the dominant majority of society.[27]

If the concept of absorptive capacity had conflicting goals of population increase and full employment, the endeavour to preserve the fundamental character of the Canadian population created a dilemma between "an international problem of avoiding the charge of racial discrimination and a domestic sociological and political problem of assimilation".[28] Canada, a member of the United Nations, assumed certain commitments in the Charter.[29] The Canadian delegation, in a statement by St. Laurent on November 25, 1946, upheld the right of the General Assembly "to discuss and make recommendations for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations".[30] When the Indian delegation raised the question of racial discrimination with reference to the practice in South Africa, the latter defended its position by arguing that it was a matter within its domestic jurisdiction. However, Canada's position in the United Nations was different from South Africa's and, thus, it was not ready to defend its callous policy towards these permanently settled of Chinese ancestry by flatly stating that it was its own internal question.

The international legal obligation, emphasized by

St. Laurent, was unmistakably a significant factor for a change. The Cabinet Committee on Immigration Policy at a meeting held on January 8, 1947, agreed with St. Laurent that the Chinese Immigration Act should be repealed and that the same privileges enjoyed by other Asiatic citizens of Canada, to bring in their wives and children under 18 years of age, should be extended to Chinese persons.[31] The Chinese Immigration Act was repealed immediately after King's statement in the House of Commons,[32] and the Chinese were finally placed on the same footing as other Asians in their conditions of entry into Canada.

It was not certain whether the obligation of members of the United Nations not to resort to discrimination in the granting of human rights and fundamental freedoms could be applied to racially discriminatory immigration policy for independent immigrants.[33] However, King firmly enunciated Canada's right to choose the persons whom Canadians regard as desirable future citizens. He stated that it was not a fundamental human right of an alien to enter Canada but that it was only a privilege generously granted to him or her. According to King, immigration was a matter of domestic policy, subject to the control of the Parliament of Canada. The right to be discriminatory in selecting future Canadians was reserved to the Canadian government.

The public pressure the government was experiencing to improve the position of the Chinese residing in Canada, was another important factor that explains the Cabinet decision to repeal the Chinese Immigration Act.[34] The most active organization in this agitating movement was the Committee for the Repeal of the Chinese Immigration Act, based in Toronto, which had grown out of a long-standing critic of the government's policy, that is, the United Committee on International Affairs.[35] Other telegrams and petitions came from various groups such as Chinese associations, church and labour groups, and the Canadian Civil Liberties Union.[36] However tenacious their activities might have been, their influence should not be exaggerated. Their light numerical weight in Canadian politics did not make their voice seriously heard by the government whose main concern was always staying in power by capturing a majority of seats in an election. Also at this time, their appeal to the predominantly white Canadian nation's conscience was not terribly effective because a majority of Canadians thought that Chinese should not be living in Canada on a permanent basis.[37]

The government could not abandon completely its discriminatory immigration policy based on race in the face of lingering prejudices in civil society and those held by senior policy-makers. P.C.2115, which restricts Asian immigration in general, was still in place in order to restrict many non-European immigrants considered as undesirable in various respects.

> (1) the lower standard of living accepted by Asiatic immigrants challenges the position of established labour groups;
> (2) the establishment of distinct Asiatic communities undermines the established moral and social patterns of Canadian society;
> (3) such Asiatic communities might become a menace to national security in times of national emergency;
> (4) it is not generally believed that Asiatics can ever be assimilated into Canadian society.[38]

While the fourth aspect, that is, their inability to be assimilated, was most frequently mentioned in discussing the question of Asian immigration, in fact the Asiatic minority problem posed socio-economic threats and even involved military considerations.[39] It is also noteworthy to find some Asians already in Canada who showed some opposition to the increase of Asian immigration because they feared competition in the field where they exercised a relative monopoly and because they feared more violent abuses from white Canadians.[40] The beliefs against Asian immigrants were "so widely and strongly held, particularly in British Columbia, as to constitute a political factor",[41] which the government could not dismiss effortlessly. Asian immigration was something to be avoided for the country to be harmonious.[42]

Paul M. Roddick attributed the government's policy to the attitudes of Canadian people.

> Canadians are relatively tolerant of one another, whatever their origin, as long as that origin is European. This tolerance finds its ultimate expression in intermarriage. Tolerance which falls short of this level is scarcely more than a kind of co-existence and will not act very positively in the development of a homogeneous nation.[43]

Canada's racially discriminatory policy was retained until the 1960's. The racial parameter in Canadian society's acceptance of immigrants reinforced the state's position on how to handle the question of Asian immigration.

John Whitney Pickersgill, who was the author of King's statement and who became the Minister of Citizenship and Immigration in the 1950's, explicitly said in support of the alleged arbitrariness with which would-be immigrants were rejected, "all the debate about justice and democratic rights springs from a misconception to what Canada's immigration actually is."[44] He went on, "Immigration isn't a matter of right at all. ... Only a Canadian has a right to enter Canada. For everyone else it is a privilege which we have a perfect right to grant or deny as we see fit." The government was denying that there was any racial discrimination in its immigration policy, but insisting that it was just selecting immigrants by the criteria of suitability and adaptability.[45]

The international ethic against racial discrimination, embodied in the U.N. Charter, became a strong inducement for the Canadian government to reconsider its more than 20-year-old policy with respect to Chinese Canadians' utter inability to sponsor their dependents. However, government policy-makers, with the general support of civil society, were not prepared to open the immigration gate for non-white settlers any further despite the potential international moral and legal pressures. The King government held tenaciously to the principle that it was the Canadian state that could choose immigrants to be settled in the country; thus non-white immigration was to be discouraged by all means on account of their assumed inability to be assimilated into mainstream Canadian society. Interest group activities by their national groups or by others on their behalf were too ineffectual to make any consequential impact on policy-makers.

V. The Process Leading to King's Statement

As mentioned earlier, it was strongly advised by the Director of the Branch that the government should defer its decision on post-war immigration policy until 1947. This did not prevent the government from starting its search for the best possible policy right away; but it did serve as a tactic for gaining time to do it. The government appointed the Standing Committee of the Senate on Immigration and Labour to carry out investigations into immigration matters in 1946. The government also received various proposals for immigration policy from a wide range of interest groups. The Interdepartmental Committee on Immigration Policy, discussed in more detail later on, coordinated interests among the bureaucratic departments which were concerned with immigration. Each of these institutional arrangements such as the Senate Committee and the Interdepartmental Committee reflected a state-directed approach deliberately for coming to grips with the emerging policy community in immigration.

The Senate Committee, which operated until 1953, started to hold meetings in May 1946.[46] The Committee was able to sample a wide range of official and voluntary opinion. It served as a link between the state, inside which diverse competing departments co-existed, and civil society, comprising conflicting interests. Among the major organizations and persons who appeared as witnesses were government officials, such as A.L. Jolliffe, Director of the Immigration Branch; H.L. Keenleyside, Deputy Minister of the Department of Mines and Resources; Allon Peebles, Director of the Research and Statistics Branch in the Department of Labour. The private interests represented included Canadian

National Railways, Canadian Pacific Railway, Cunard White Star Ltd. & Donaldson Atlantic Line, Swedish American Line, Canadian Jewish Congress, the Ukrainian Labour Farmer Temple Association, the Canadian Congress of Labour, and the Trades and Labour Congress of Labour among others who had their views heard before King's statement on May 1, 1947.

The Committee presented three reports which drew conclusions on the basis of information they obtained. The first report, which came out on August 13, 1946, was the most important for its suggestion to the government for post-war immigration policy. It concluded:

> what is required for Canada is a well considered and sustained policy of immigration, selective in character and pursued by Canadian authorities with initiative and enterprise. We should seek out the individual migrants whom we want who will contribute to our industrial and agricultural economy and who will assist in maintaining our high standards of living by increasing proportionately our productive power, and in addition whose mentality and education will fit them for taking part in Canada's political, economic, and social life. What we require is a steady flow in reasonable number of good settlers both urban and rural, rather than any excited or spasmodic rush, with regard, of course, to the varying economic conditions and needs of the country from time to time. Successful immigration can be secured only by careful and intelligent planning, and sustained over a number of years.[47]

Here we can observe a compromise between efforts to increase Canada's population for the sake of economic development and concerns about not disturbing a labour market for the interests of Canadian workers. Although the terms 'absorptive capacity' were used in the recommendation about the number of immigrants to be taken in, no one in the Committee knew exactly what these numbers really were and no one wanted to jump into a ceaseless debate on the subject.

There was a consensus of opinion that immigrants should be admitted in substantial numbers as soon as possible because of other countries' active involvement in recruitment of immigrants in Europe. However, the organizations which represented workers' interests, qualified this general agreement with the condition that the intake of a large number of immigrants should not lower the existing standard of living. A.R. Mosher, President of the Canadian Congress of Labour, said that peopling Canada was not like filling a hall or packing sardines into a tin and that it was a matter of economic capacity.[48] He expressed the shared opinion of organized Labour that they did not want immigration used as a means of procuring cheap and docile workers for the purpose of providing employers with a pool or reserve of unemployed workers.[49]

The Congress proposed that neither the framing of immigration policy, nor the carrying out of any policy, should be left to private interests, that both should be kept firmly in the hands of the government, which was responsible to the people, and that the government should regularly consult with the representatives of Labour and Agriculture as to both policy and administration.[50] The fact that organized Labour turned to the state for realizing a balanced immigration policy on a long-term range seems to run counter to a Marxist perspective on policy-making, whether a structural version or an instrumental one, which posits that the capitalist state always promotes producers' interests. It suggests that the state was viewed by Labour as the preferred institution for restraining business even if it did need to be constantly checked so that the capitalist interests would not prevail over their own.

The cautious approach of Labour is in marked contrast to that of the employing class. For example, Frank W. Collins, Industrial Manager of the Canadian Pacific Railway Company, was extravagant as follows:

> Our country needs population. ... Canada is huge. It will support a large population, probably two to three times its present population. It has a vast industrial empire and so vast is it that it is true to say that Canada must export to live. A home market can only be created by increased population and immigration is the only way of creating that increase. Canada's future depends upon a strong, virile and large population. If we are to retain our present important position in world affairs, we must not only build industrial empires but we must provide people to man the industries and people to consume the products of those industries. In my opinion, a very broad immigration policy for Canada is justifiable from every point of view.[51]

He estimated that Canada could absorb easily 300,000 to 500,000 immigrants a year.[52] He remembered the golden period of immigration during the turn of the century to support this figure. B.K. Sandwell, Honourary Chairman of the Canadian National Committee on Refugees, wrote that the people who were influential in the immediate post-war period were in the main the sons of the people who had been influential in Sifton's period.[53] According to him, it was highly probable that those old-time influentials had an impact on the thinking of the new influentials, who kept the good old days in their memory stock.

Senator T.A. Crerar, the former Minister of Mines and Resources, also proposed a "take millions" theory. He strongly favoured immigration for two reasons.[54] Firstly, on materialistic grounds it would be beneficial for Canada again to adopt a vigorous immigration policy. Secondly, he argued that it would be against international justice to monopolize Canada's agricultural, mineral, timber, and fish resources. He even suggested that an unjustifiable occupation of half a continent might well bring about wars between Europe and Canada.[55] Senator A.W. Roebuck was likewise for massive post-war immigration. He emphasized how large Canada was geographically to support his quasi-unconditional population increase by immigration.[56] The views of these Senators echoed those of business interests in Parliament.

The two opposing views of minimal growth and rapid expansion were compromised by the Committee members who wrote the final report using ambiguous wording: "a steady flow in reasonable number of good settlers ... rather than any excited or spasmodic rush, with regard, of course, to the varying economic conditions and needs of the country from time to time".[57] Immigration would be "limited in numbers to what from time to time appears to be the absorptive capacity of the country".[58]

The racial question was also important in the final report of the Committee, which reiterated the debate introduced below. We can see the racial implications in the wording of conclusions: "the individual migrants ... who will assist in maintaining our high standards of living by increasing proportionately our productive power, and in addition whose mentality and education will fit them for taking part in Canada's political, economic, and social life".[59] This suggests that non-Europeans would not make successful immigrants to Canada because, as discussed earlier, they were presumed to accept a lower standard of living and make their own close, unassimilable units in Canadian society.

Another part of the report more clearly stated that the limitation of Asiatic immigration should be based on problems of absorption by scrupulously avoiding any suggestion of discrimination based on race or religion.[60] This skilful quibble was the same technique as the government's public rhetoric, which was introduced earlier, that there was no racial discrimination in Canada's immigration policy but only selection on the basis of suitability and adaptability. The Canadian Congress of Labour was also equivocal.

> Racial discrimination should have no place in our immigration policy. People from some countries may, because of their background, education or customs fit into Canadian life more easily than people from some other countries, and such factors may properly be taken into account. But "race" (however defined) or nationality ought not to be considered at all.[61]

This self-righteous proposal could be used in whatever way to restrict Asiatic immigration. On the contrary, the Trades and Labour Congress of Canada was openly opposed to immigration of the races which cannot be properly assimilated into Canadian life. It was explicitly stated that the result of taking in certain nationals who remain as a distinct race would be equally unfair to those admitted and their children as to the citizens of Canada generally.[62]

The report touches upon preference given to immigrants from the British Isles who "have the advantage of common language and a grounded understanding of Canadian political institutions and modes of living".[63] However, it was suggested that no definite rules should be laid down in this respect, for Great Britain would have labour shortage problems if the Canadian government strongly encouraged British immigration. Therefore, it was recommended that sufficient facilities should be arranged for "those of character and ability who care to come". In any case, whether explicit or implicit, the racial and ethnic pecking order, which had been etched in the Canadian public mind in previous years, was maintained in the Senate Committee's report.

The second report of the Committee, released right after King's speech in the House of Commons, analyzed public opinion as follows:

> Public opinion in favour of the admission of a considerable number of carefully selected immigrants seems to have developed since your Committee made its report in favour of properly regulated immigration during the Session of 1946, and to have become even more forceful and decided. Not a single witness advocated the closed door; all were in favour of immigration and of Canada doing her share in the rescue of the Displaced Persons of Europe, and there was general agreement that there should be careful selection in order to exclude those who by character or health are unfitted to play a useful part in Canada's system of democracy including social and economic democracy.[64]

The Committee's views on public opinion were obtained from the witnesses who appeared in the meetings. However, these were supported by the majority of Canadians who were favourably disposed to immigration to the limit, according to a Gallup Poll.[65]

The Senate Committee served as an effective policy forum for consulting interested parties in setting the direction in Canada's post-war immigration policy. Not to check their concerns beforehand could have possibly exposed the government to a political backlash. The process of developing a well-functioning policy dialogue between the state and society helped the state to determine what these private parties wanted in immigration. It also made it easier for the state to co-opt dissent, which could be more disruptive, by offering groups an opportunity to express their views. In response to the community that was emerging in this issue area, King and his advisors assured themselves that they did not have to be afraid of a backlash from societal interests.

VI. The Interdepartmental Committee on Immigration Policy

Immigration policy was also examined by an Interdepartmental Committee, which consisted of representatives of various bureaucratic departments whose jurisdiction involved immigration. This was a necessary process because many departments other than the particular one in charge of Immigration had their own concerns about the shaping of Canada's immigration policy. Jolliffe represented the Department of Mines and Resources. The Departments of Agriculture, Labour, External Affairs, Trade and Commerce, and the Secretary of State were the major participants on the Committee. The Privy Council Office, the Bureau of Statistics, and the Prime Minister's Office also sent their representatives to the Committee. The Prime Minister's Office was represented by Gordon Robertson.

This Committee started its discussion of post-war immigration policy in 1946. The Chairman of the Committee, Norman A. Robertson from the Department of External Affairs, explained to the members in the meeting held on July 16, 1946, that the Cabinet had approved the recommendation that an inquiry into immigration policy be carried out by the Committee.[66] He stated that its results might serve as a basis for formulating policy or at least as recommendations with the support of factual information.

Draft proposals for immediate measures were to be introduced here.[67] The Committee presented five general considerations about Canada's future immigration policy: (a)the admission of a fairly large number of immigrants is desirable, or, at least, is at present desired by a substantial proportion of the people of Canada; (b)an "open door" policy is undesirable and there should be control as to numbers; (c)there should also be selection as to personal qualifications of immigrants; (d)there should be a predominance of British, American, and European immigration: (e)the basis of selection should not be expressed in terms of racial or national discrimination.

A quota system was suggested as the best means of achieving points (b), (d), and (e) based on the experience of the United States since 1924. This was considered as the only way a predominance of white immigration could be maintained without drafting regulations in terms of racial, national, or continental discrimination. This quota system would be based on the national origins of the Canadian population under the

1941 census, with the recommendation not to alter the population balance radically. The Committee proposed that immigration from Great Britain and the United States should be free from the quota system, as it could be argued that British and American immigrants were most nearly like Canadians in customs and constitutional heritage to be most readily assimilated in a social and political sense. This kind of special treatment of these immigrants had existed since 1923. P.C.695 of 1931, which treated British and American immigrants as by far the most desirable, was in effect when the Committee considered the idea of the quota system.

Immigration other than British and American would be regulated in such a way that the quota of immigrants for any one national origin would be kept in the same relation to the total quota group as the number of people of that origin in Canada in 1941 relative to the total number of persons of all origins. The husbands, wives, and unmarried children of Canadian citizens would be admissible on a non-quota basis. The idea of the quota system was passed to the Cabinet Committee and then to the Cabinet.[68]

A.R. Menzies, who discussed the question of Asiatic immigration in a confidential paper circulated among senior policy-makers, clearly wrote that it was a twofold problem: an international problem of avoiding the charge of racial discrimination and a domestic and political problem of assimilation.[69] He presented the four possible methods of effectively limiting Asiatic immigration while avoiding the charge of racial discrimination.

> (a) Repeal of all special legislation and regulations applicable to Asiatics and attempt to control Asiatic immigration on the basis of personal qualifications;
> (b) Negotiation of reciprocal immigration treaties with the various Asiatic countries providing for the admission to either country on renewable permits for temporary residence of nationals of the other country belonging to approved categories.
> (c) Negotiation of "Gentlemen's Agreements" along the lines of those we had with Japan.
> (d) Introduction of a quota system along the lines of that in force in the United States.[70]

He recommended the quota system because of a number of distinct advantages for Canada:

> (a) The quota system adopted in the United States in 1921, and recently extended to cover immigration from certain Asiatic countries (notably China with a quota of 105 a year and India with a quota of 10), appears to have been accepted by the Asiatic countries as a non-discriminatory method of

> controlling immigration.
> (b) By adopting such a system Canada would be bringing her immigration policy with respect to control of entry of groups difficult to assimilate into line with United States policy, which would have advantages in view of the similarity of the problems we face in this field.
> (c) The quota system is applicable to all groups difficult to assimilate and its adoption would save us from negotiating on immigration matters with a series of governments.
> (d) A quota system could be superimposed on the present Immigration Act with few amendments.
> (e) Within the numerical quotas fixed for each country it would still be possible to demand certain personal qualifications from the prospective immigrants that would serve to raise the standard of Asiatic immigrants above that of previous Asiatic immigrants. The fact that personal qualifications, apart from ability to pay the head tax, were not scrutinized in the past had a good deal to do with the difficulty we have encountered in assimilating our Asiatic immigrants.
> (f) Certain exceptions to the quota system could be made without detracting from its general application as a cardinal factor in Canadian immigration policy.[71]

He recommended that positive steps should be taken to assist in Asian immigrants' assimilation if a certain number of them were to be admitted to Canada under any new quota system.

Despite Menzies' assessment based on a very careful discussion, the quota system was neither mentioned in King's statement nor in any other subsequent minor policy decision. Viewed under a different light, a quota system, whose main purpose was to restrict the number of Asian immigrants, in effect would take in a certain number of independent immigrants from Asia. Elected policy-makers were not ready to admit more Asian immigrants than the minimally acceptable number under humanitarianism. However, the idea of the quota system lingered until the 1950's.[72]

Arthur MacNamara, Deputy Minister of the Department of Labour, warned J. Allison Glen, Minister of Mines and Resources, in late 1946 that they "should not try to go too fast in the matter of encouraging immigration".[73] This was obviously because MacNamara considered massive immigration's grave impact on Canada's labour market. He suggested that immigrants should be taken in on a good occupational selection basis. He wrote a more extensive letter to Jolliffe in order to clarify his own department's role in immigration.

> The Department of Labour should be responsible for

> (a) obtaining the contracts from relatives to provide employment and investigating the suitability of the placement;
> (b) following up the placement once the party has arrived in Canada; and
> (c) assisting the Immigration Branch in the matter of selection where this is found advisable.[74]

A lack of cooperation on the part of the National Employment Service, operated by the Department of Labour, would make it necessary for the Immigration Branch to build up an extensive field staff which would duplicate services.

However, these two rival Departments were able to set up a joint mechanism to harmonize their respective clients' interests. Glen and Humphrey Mitchell, Minister of Labour, proposed to the Cabinet that an interdepartmental committee be established to function as a coordinating organization between the Department of Labour and the Immigration Branch of the Department of Mines and Resources with regard to the selection, employment, and placement of immigrants.[75] The government approved the appointment of this joint Immigration-Labour Committee promptly.[76] This particular Committee did not do much work before King made his Parliamentary speech. What is more, this Committee was set up not to formulate immigration policy, but to operate immigration administration smoothly, particularly about group movements of labour among displaced persons.

The Interdepartmental Committee on Immigration Policy played an important role in bringing different bureaucratic departments' divergent interests into line. The shaping of immigration policy would affect other ministerial interests, for example External Affairs' concerns about Canada's official relations with foreign countries, which were more likely to be ignored by the Director of the Immigration Branch. Even though this committee did not produce anything significant for King's speech, the process still had the effect of preempting possible obstructions from the other ministries.

VII. Direct Access of Interest Groups to Decision-Makers

Various interest groups chose to influence government policy by directly presenting their ideas to the different points of the central decision-making circle in addition to the Senate Committee. The effectiveness of this method is uncertain in the sense that no particular dominant societal groups were strong enough to cause any major player inside the state to act on their behalf. The extent of differences among domestic groups was such that the state was able to counterpoise them to insist on the primacy of its own preferences.

Cunard White Star Ltd., which could gain a lot from increased immigration, sent its view on Canada's labour market to MacNamara and argued for massive trans-Atlantic immigration. It was pointed out that an apparent shortage of labour existed in the lumber camps, on the farms, and in the mines after the War. Arthur Rondles, General Passenger Traffic Manager, tried to persuade MacNamara about the urgent need for taking action to favour the movement of more people across the Atlantic by reminding him that suitable labour for the purposes needed was available in Europe.[77] He also wrote a letter to Jolliffe, to inform him that their ships would now be available for more immigration from Europe.[78]

The Canadian Chamber of Commerce, which wanted a large labour force, urged the government to present a clear and early statement of immigration policy in September, 1946.[79] H.S. Tobin, President of the Canadian Manufacturers Association, suggested to King that production in logging, sawmilling, and mining would suffer seriously unless immigration was permitted up to the absorptive capacity of the country, the concept of which was first introduced in the report of the Senate Committee.[80] The Board of Trade of the City of Toronto wrote to the Minister of Mines and Resources to ask the government to adopt immediately a positive immigration policy along the lines of the Senate Committee's report.[81]

It was their belief that a population increase would not aggravate unemployment problems but that a generous immigration policy would create new jobs surpassing any direct relationship with the number of immigrants admitted, provided that Canada's selective immigration policy received only immigrants who showed characteristics of their reasonable assimilability: physically, morally, and politically acceptable and economically competent. Non-European immigrants were implicitly rejected by them because preference was given to races who could be adapted to Canada's climate and were generally of a temperament congenial to Canadians, whose ideal type is the White Anglo-Saxon Protestant. They contended that immigrants from the Old World would not only bring about tangible economic advantages by increasing population but also new skills, vigour, and cultural enrichment to help Canada develop into a more mature nation.

James S. Dunkan, President of Massey-Harris Co. Ltd., summarized the concerns of industry and commerce well in his paper, which was written after King's statement. He noted that Canada had been indifferent to opportunities to select, invite, and bring in substantial numbers of highly skilled scientists, design engineers, and technicians of enemy as well as of liberated countries. As the Canadian government acted too slowly in the post-war immigration race, the good source of immigrants, who had the best contribution to make, had been chosen by some far-seeing nations, such as Australia and the United States, or had been lured or pushed behind the Iron Curtain.

He argued that most of the problems, which were cited against a more vigorous Canadian immigration policy, immediately after the end of the War, could have been overcome by resolute action. Shortage of shipping, political inadvisability, the need to repatriate the Canadian Forces, and lack of facilities, including housing were all real enough, but he believed that they were also perfectly capable of being solved by some kind of wise measure. It is important to note that he agreed with the state's long-time policy of not welcoming immigration from certain Oriental, and other, countries, even though such an area would offer cheap labour, which was useful for Canadian industry.[82] The business interests conformed to the majority's support for a racially restrictive policy, despite the more immediate and tangible interests which would accrue from the importation of cheap non-white labour.

The Edmonton Branch of the Association of Ukrainian Canadians transmitted their resolutions to the Prime Minister. This ethnic association supported a planned immigration large enough to be beneficial to the country but selective so as not to cause unemployment and the loss of jobs to Canada's own war veterans.[83] The Baptist Federation of Canada petitioned the government to relax its immigration restrictions so as to permit the prompt and merciful admission of a fair share of refugees and displaced persons in Europe.[84]

The Grand Post of the Native Sons of British Columbia recommended to the government the necessity for the immediate adoption of a policy of selective immigration, without specifying the exact criteria of selection.[85] The Quebec Regional Advisory Board of the Labour Department passed a resolution that Canada should embark immediately on a broad immigration programme by selecting immigrants on the basis of their habits and aptitudes as well as of the requirements of Canada's agricultural, mining, pulp and paper, and other industries, which was transmitted to the Administration Board of the Labour Department and then to the Interdepartmental Committee on Immigration Policy.[86]

The City of London wrote to their M.P. to "urge upon the government the advisability of placing in operation, immediately, an immigration policy designed to encourage the admission to Canada of selected immigrants from Europe, with a view to the relief of distressing conditions on the European Continent, and especially with the intention of adding to Canada's population, in an orderly and well-regulated manner, a group of citizens from whom this country could expect to receive heavy dividends in the arts, sciences and in every department of the life of the people of Canada."[87] This M.P. promptly informed Jolliffe of this letter from the City of London.[88] The London City Council also contacted municipalities throughout Canada to seek their cooperation to have the government act promptly.[89]

The Canadian Corps Association, a body of veterans, demanded prompt and definite action by the Parliament of

Canada at the ongoing session of the House of Commons.[90] This organization suggested a quota system adhering strictly to the percentage basis of Canada's population statistics of the 1941 Dominion Census. This idea of the quota system was considered by the Interdepartmental Committee on Immigration Policy although it was finally dropped as noted earlier in King's Parliamentary speech.

H.E. Arnold, from Vancouver, wrote to King that it was the right time for the government to initiate a policy of immigration on a substantial scale.[91] One can find more negative letters addressed to the policy-making circle. Even so, it can be concluded that public opinion with regard to immigration turned on a positive side after the War, considering the small number of letters opposed to immigration and the intensity of their antipathy before and during the War. After the War, even negative letters were of rather conditional opposition.

The South Eastern Saskatchewan Rural Municipal Association wrote to Glen to inform him of its resolution that the Department of Mines and Resources should not launch a large immigration programme until returned service men and women are reinstated to civil life.[92] The Ontario Provincial Council of the Canadian Daughters' League wrote to Glen to the same effect and also that all immigration to Canada should be Anglo-Saxon.[93] T.P. Appleby, rehabilitation officer of Burnaby Re-establishment Committee, notified King of their contention that any individual or collection of individuals who desire to settle in Canada should not only be thoroughly investigated before being allowed to enter, but be clearly made to understand that, if permitted entry, they must conform to the Canadian laws and customs and learn to speak English.[94] They wanted to avoid granting admission to any particular race of people who would be in their view detrimental to the best interest of Canada and Canadian unity in particular because of their inassimilability.

The Alberta Provincial Command of the Canadian Legion of the British Empire Service League transmitted their resolution through the Dominion Command to Jolliffe, that they request the Canadian Legion through their Dominion Commands to immediately launch a campaign to bring to the fore the danger to their "Canadian way of life brought about by groups which refuse to become assimilated but desire to set up their own way of living, retaining their own language, customs and habits who steadfastly refuse to carry out the responsibilities which every citizen owes to the country in which he lives".[95] This Alberta Command had not Asians but religious and communal sects such as Hutterites and Doukhobors on their mind.

The Canadian Legion of the British Empire Service League and the Federation of British Canadian Veterans of Canada wrote to the Minister that preference should be given to British immigrants to preserve the character of Canadian population.[96] Even in Quebec, the province known for its anti-immigration orientation, public attitudes seem to have been mollified. The Société-Jean-Baptiste was conditionally opposed to immigration because the government had not adopted a family policy and not resolved the problem of suitable accommodation for all the Canadian citizens.[97] Maurice Cleroux, from Montreal, wrote to the Department of Mines and Resources that Canadian citizens should be taken care of before initiating a large-scale programme.[98]

Abella and Troper summarized the societal situation after the War.

> Public support for immigration in general was just firming up. The published portion of a Gallup Poll taken in the late summer of 1947 showed fifty-one per cent of Canadians agreeing that Canada needed immigrants, eleven per cent supporting immigration of the "right type" and thirty per cent declaring that Canada needed no immigrants. Even in Quebec, where opposition was stiffest, there was a softening of hostility - at least to the "right type". The Quebec Chamber of Commerce, for instance, realized that immigration might now be unavoidable. In a resolution to the federal government, it demanded not a stop to immigration but an increase in the number of French immigrants settling in Quebec.[99]

Thus, the stage was set for King to take a positive leap forward with no fear of punishment by the public at an election time. Interest-group activities at this time demonstrated the presence of an emerging policy community on immigration issues whose interests tended to converge with those of the civil service and Cabinet.

VIII. King and the Cabinet

Jolliffe suggested the following for inclusion in the Speech from the Throne in regard to immigration in January, 1947.

> The Government is conducting a comprehensive study of immigration and an announcement of policy will be made upon its completion. Coincident with the developing resumption of transportation and other services following the cessation of hostilities, several progressive steps have been taken to provide for the admission of additional desirable immigrants. The regulations have been extended mainly on a relationship basis, and Immigration inspectional staffs are being re-established abroad. Legislation will be introduced during the present Session of Parliament to repeal the Chinese

Immigration Act.[100]

However, only a word of immigration was inserted in the Speech from the Throne for the Third Session of the Twenty-first Parliament, which was opened on January 30, 1947.[101] Immigration was merely one of many matters to be reviewed in this session.

This does not necessarily mean that immigration was thought little of by the government. Instead, it was more because the government had many items on the agenda to be discussed to put things in order after the War. Canada was going to sign treaties of peace with Italy, Finland, Romania, Hungary, and Bulgaria. Canada, as with the other Allied nations, had the task of determining the future of Germany and Austria. Canada's part in international action for the relief of the destitute and for the rehabilitation of areas desolated during the War was going to be discussed in the session. They were going to discuss Canada's commitment to the activities of the United Nations with regard to the deliberations respecting atomic energy, the regulation and reduction of armaments, and the question of human rights and fundamental freedoms. A world conference on trade and employment to be convened by the United Nations was also an important item in the Speech from the Throne. There is no need to mention more. In any case, it can be known from Jolliffe's attempt that the government was going to conclude its comprehensive study of immigration by the end of the session to announce a long-range post-war immigration policy.

On the same day as the Speech from the Throne, the Governor General in Council, on the recommendation of the Minister of Mines and Resources, amended Order-in-Council P.C.695, dated March 21, 1931, which restricted landing in Canada to certain narrow categories of persons. Order-in-Council P.C.371 widened the admissible classes to include the wife, unmarried children of any age, unmarried brother or sister of any age, the father or mother, the widowed daughter or sister with or without unmarried children under 18 years of age, the orphan nephew or niece under 18 years of age, "of any person legally admitted to and resident in Canada, who is in a position to receive and care for such relatives".[102] This was a further amendment, following P.C.2071 of May 28, 1946. "These admissible classes applied to all but Asians."[103] P.C.371 also added farm labourers, miners, and lumberjacks entering Canada to engage in assured employment in those industries.[104] This extension of the admissible classes of immigrants was agreed upon by the Cabinet Committee on Immigration Policy at the meeting of January 8, 1947, then transmitted through Jolliffe and Glen to the Cabinet.[105]

The Cabinet Committee on Immigration Policy was attended by the Ministers of Mines and Resources, Agriculture, Trade and Commerce, Labour, and Public Works, the Secretary of State, and the Secretary of State for External Affairs. It also had such important figures as Jolliffe, Keenleyside, MacNamara, Pearson, and Robertson among others. This was the highest place where immigration matters were discussed substantially. The Cabinet usually made decisions after further discussions led by the Prime Minister on the basis of the Committee's recommendations.

As already mentioned, the abolition of the Chinese Immigration Act was agreed upon initially by the Cabinet Committee, actually in the same meeting as the agreement upon admission of labourers for primary industries and upon widening the categories of the family class. The Cabinet approved these recommendations from the Committee on January 23rd.[106] Mackenzie King recalls this meeting as follows:

> There was a considerable discussion on immigration policy - very interesting and many sided. Council agreed that no immediate opening of doors should be decided upon as transportation is not available, nor is housing available, but all were agreed that in the long range view Canada would certainly need to have a large population if she hoped to hold the country for herself against the ambitions of other countries and to build her strength.[107]

In fact, King did not have much faith in his Minister of Mines and Resources. However, he had to keep Glen in his Cabinet. When immigration matters were discussed between the two political parties in February, King left the following harsh comment in his diary.

> We then discussed at some length the whole immigration situation. I told the Cabinet I was quite ready to take my part in the debate. This was a very important question. It might be thought I might speak on it. On the other hand I preferred to let the Ministers themselves have the responsibility. I did not think I should speak on Finance, on Railways, on some other matters. Equally I did not wish to embarrass Mr. Glen. Glen himself said he thought it would be better if I did not take part. That was what the opposition were hoping I would do. Glen is a curiously conceited little fellow, very vain. I think he just does not want it to appear he is not wholly equal to the demands of the debate which is clearly the case. He is really a disappointment as a Minister. Pleasant in his personal relations but really next to useless in the government.[108]

On February 11th, Glen presented a draft of the Act to amend the Immigration Act and to repeal the Chinese Immigration Act in the House of Commons and handled questions raised by the opposition singlehandedly. This was because this Cabinet minister had pride in doing so alone without the Prime Minister's intervention and also because King would have been asked to make a very full statement on immigration policy which was not ready at that moment.[109]

However, Glen's short informal statement was inadequate to satisfy the opposition. H.C. Green was the first to demand that the Prime Minister make a statement outlining government policy on future Chinese immigration, as Members of Parliament were entitled to more than a perfunctory seven-minute statement from the Minister of Mines and Resources before being asked to vote on the question of immigration policy.[110] J.L. Gibson backed up Green.

> Mr. Speaker, in commencing, I wish to congratulate the hon. member for Vancouver South (Mr. Green) upon what I thought was a most admirable and tolerant speech he made this afternoon. I believe that he made an exposition of where most British Columbian members stand on this question facing us tonight, and did it as well as I have ever heard it done. ...
>
> I also most heartily endorse his observation that he is disappointed at the statement made by the Minister of Mines and Resources (Mr. Glen) upon introducing the bill. I consider that the minister should have made a statement which would have clarified the government's position in respect of Asiatic immigration.[111]

G.A. Cruickshank, an Opposition M.P., also wanted a definitive stance directly from the Prime Minister as to what the immigration policy was to be in so far as Asiatics were concerned.[112]

J.A. Ross, M.P., stated that it was time King made a bold statement of the immigration policy of his government, instead of Glen's disappointing discourse.[113] While sympathizing with Glen in that he had been most patient and that his answers to letters about immigration had been most cordial and pleasant, T.L. Church, M.P., believed that the time had come to have a national immigration policy. He said, "It is now nineteen months after the war and we have no courageous, forward-looking immigration policy with vision for the people of this country from coast to coast."[114]

At the end of the day, J.H. Blackmore, M.P. from Lethbridge, expressed an interesting opinion about the racial question. His speech is worth quoting because it shows the rationale in favour of racially restrictive immigration.

> I think the majority of the people of Canada want people of their own kind. Canada was explored, settled and developed by two great races, two of

> the greatest races in the world, the French and the British people. Have these races no rights?[115]

He continued.

> Let us give a moment's thought to what racial discrimination is. I ask hon. members whether in what I have advocated or suggested I have advocated racial discrimination, I think not. Let me give a simple illustration. Suppose one of my neighbours fell upon evil days and got into sore need and I proposed to help him. There are two ways in which I could help him. I could invite him and his family to come and live under my roof with me and my family, or I could arrange to support him while he was building a home on his lot, and I could contribute goods and services to his support.[116]

He proposed the second course as the national plan to take for Canada's immigration policy. This kind of nicely phrased but twisted logic was acceptable in the mid-day session of national Parliament! It makes a good contrast with an officially multicultural Canada since 1971.

On the other hand, King did not think lightly about the question of racial discrimination in immigration policy.[117] He felt anxieties about what might happen when the people of the Orient began to think that they were entitled to Canada's space and resources and they should not be discriminated against in coming in numbers to Canada. He even thought that a racial war between the white countries and the non-white ones would be possible in the future. His apprehension is quite understandable given the role he played in the investigation into the question of Asian immigration as a promising young public servant a long time before.[118]

Although Glen still planned to make a speech on his own and to fight the measure through, King told the Cabinet on March 17th that the question of immigration was as important as any other at that session of Parliament.[119] St. Laurent said that he thought the Prime Minister should make a statement. King agreed to do it, provided that the draft was carefully prepared in advance. With the experience of investigating into the Oriental immigration question as a young man, he held his views on the danger of taking in many nationalities unlikely to assimilate.[120] However, King did not feel confident in his updated knowledge about Canada's immigration policy. This onerous preparatory work went to the Cabinet Committee.

The draft statement was circulated among the senior policy-makers on March 19th. The Cabinet Committee agreed that this draft should be reviewed and that a shorter statement should be prepared along more positive lines as indicated in the course of discussion.[121] The revised draft was distributed at the meeting of the Cabinet Committee on March 21st.[122] The main author of this draft was Robertson, Secretary to the Office of the Prime Minister, although he received help from the other members of the Committee.[123] This draft was essentially the same as King's Parliamentary speech six weeks later.

The draft statement on immigration policy to be made by the Prime Minister was considered at the meeting of the Cabinet Committee on April 22nd.[124] Then, King had Pickersgill and Glen assist him in revising a statement on immigration policy two days before his announcement in the House of Commons.[125] Pickersgill, King's executive assistant, did the major work.[126] According to G.A. Rawlyk, he and his close friend, Walter E. Harris, both of whom became Ministers of Citizenship and Immigration in the 1950's, were chiefly responsible for formulating the Liberal government's immigration policy both before and after 1950.[127] It can be said that these two persons' ideas on immigration occupied an important part of the Liberal immigration policy from 1947 to 1957.[128]

In any case, the contents of King's speech were not very far from the recommendations of the Senate Committee on Immigration and Labour, which carried out the wide-ranging investigations into immigration matters. Hawkins argues that one quality "which was present in the recommendations and views of the Senate Committee and in a good deal of the evidence presented to it" but "which is wholly absent from the Prime Minister's statement" is "enthusiasm".[129] Apart from such a subjective appraisal on the statement, it was politically a success in accommodating diverse interests. On May 1st, King had Pickersgill and Glen work with him to do a final check of the statement.[130] The statement met with general approval in that Cabinet and King gave it to the House of Commons immediately after it resumed at 3 o'clock. King recalls that it was well received by the Members of Parliament.

On the same day, the government introduced P.C.1743, which again enlarged the classes of sponsorable relatives to include the husband or wife; the son, daughter, brother or sister, together with husband or wife, if any, and unmarried children, if any; the father or mother; the orphan nephew or niece under 21 years of age; and the fiancé(e).[131] This placed male and female Canadians on the same footing in their sponsoring ability.

King showed his satisfaction in his diary.

> The statement I made yesterday on the govt.'s policy seemed to have cleared the air completely and to have met with all but complete approval on the part of the different groups in the House, ... Some weeks ago, it seemed in the Cabinet as if this would be the most difficult measure of the

> session. It certainly has been worth all the time and effort that has been given over to discussion, revisions, etc. of the statement as finally shaped.[132]

He had some sort of feeling of a big burden finally relieved from his shoulders. Something which had remained unsolved on the government's business agenda for nearly two years was clarified at least in the general public's eyes.

However, *The Globe and Mail* commented more critically on King's statement as follows:

> It was good to learn from Prime Minister King of his acceptance of the international and economic realities of this altered world in modifying his Government's immigration. No one can challenge his reasoning successfully, ... But, as is often the case, the encouragement which Mr.King's statement might have provided was thoroughly dampened by the vague generalities in which he described the changes.[133]

It was in essence not a clear policy statement at all. Its effectiveness depended entirely on the manner in which it was interpreted. Theoretically the policy was as broad as could reasonably be expected. However, in actual practice it could be made as restrictive as any ever known.

The Gazette also pointed out the same weakness of King's statement.

> The policy of immigration stated in the House of Commons yesterday by the Prime Minister will depend for its effectiveness entirely upon the way in which it is interpreted and carried into practice. As a policy it opens up wider possibilities of immigration. But only the details of its operation will disclose the scope or reality of the Government's intention.[134]

The statement was made in very general terms, and it was not possible to say any very substantial practical change had yet been made.

The French newspaper, *La Presse*, had an article, which gave a warning about the change of Canada's population owing to massive immigration.[135] A large number of newcomers from different class, racial, linguistic, or religious backgrounds might displace Canadians of the main stream from city centres. This anxiety is well understood in a context of traditional anti-immigration feelings in French Canada. In their view, it was these newcomers, non-French and most likely to adopt English as their official language, who would destroy the sociological base of the French.

Nonetheless, the government's definite move in the repeal of the Chinese Immigration Act was lauded as progress towards justice. As *The Globe and Mail*'s Editorial reported, "The Chinese in Canada, and the fair-mined citizens who assisted them in the agitation for the removal of the special restrictions against them, are to be felicitated on the achievement of the major portion of their goal, incomplete though it may be."[136]

Although King's speech was excellent public relations in the beginning of Canada's post-war immigration policy, its vague nature could well be interpreted as the state's attempt to satisfy the maximum number of societal actors without offending many and also its interest in enhancing the capacity to carry out policy with a skeleton which could be fleshed out in a variety of ways. The criticism aimed at the content of King's speech appropriately pointed out its very character. This appraisal was well founded but King could not do otherwise.

IX. The 1952 Immigration Act

The 1952 Immigration Act constituted a legal foundation for King's policy statement to be fulfilled in a real immigration operation. The need for rewriting a more than 40-year-old former immigration act was advocated by those interested parties in civil society, who suffered from the obscure and murky immigration activity by the government and wanted to see more explicit and open principles in a new act. However, the 1952 Act itself was almost exclusively a product of bureaucrats.[137] A bill to revise the Immigration Act was mentioned in the Speech from the Throne for the Sixth Session of the Twenty-first Parliament on February 28, 1952. The Bill, which was drawn up in consultation with the Department of Justice, the Privy Council Office, and other interested Departments, such as Citizenship and Immigration, External Affairs, Labour, Finance, Transport, Unemployment, or Health, was introduced in the House of Commons on June 2nd.

It was referred to a Special Committee on Immigration, numbering 34 members, after the second reading on June 10th.[138] The Bill was extensively studied section by section and revised by this Special Committee. However, the Committee worked between the 16th and the 19th for the total time of 11 hours and 25 minutes only.[139] It was passed in the House of Commons on June 23rd. Then, it was read a first time on June 24th in the Senate. After the second reading, it was referred to the Standing Committee on Immigration and Labour on June 25th. To do a careful study of the Bill, this Committee met only once on the 26th and it was reported on with no amendments. It had the third reading on the same day.

This process was undoubtedly too quick to hear various criticisms in a substantial way from interested organizations and individuals. Contrary to what the Minister of Citizenship and Immigration, Harris, excused himself for this speedy process,[140] "the revision of the Immigration Act was carried through so suddenly and so fast that Labour and other organizations most concerned had no time to study it and make representations".[141] It is interesting to compare the way this legislation was made with the 1976 legislation discussed in Chapter Five.

As is known from the fact that Harris reiterated King's statement in the House of Commons on July 4, 1952, this Immigration Act was a legal framework to put King's policy into smooth operation. Robert F. Harney argues the 1952 Immigration Act as follows:

> The Immigration Act of 1952 was intended to secure the type of immigrants that Canada's political leadership had sought shortly after the World War II. In the discretionary powers accorded the minister and bureaucrats under the act, the imperatives of the subtext of stock became text but were couched in a manner that would not insult the U.N. Charter. An immigrant could be prohibited from entering Canada for reason of nationality, geographic origin, peculiarity of customs, unsuitability of climate, and probable inability to "become readily assimilated".[142]

It contained hardly anything innovative to satisfy those who initiated the process. The fairly arbitrary nature of administrative discretion with very little public participation was consolidated in the 1952 Immigration Act. The new Act did not include any fundamental change, but simply clarified and updated certain sections of the old Immigration Act. Likewise, Hawkins argues that the 1952 Act had two fundamental defects which had far-reaching consequences in Canada's immigration policy.

> The first was the degree of uncontrolled discretionary power vested by the Act in the Minister of Citizenship and Immigration and his officials. The second lay in the nature of the Act itself as an instrument of government policy and as the basis of an active immigration program.[143]

Section 61 of the Act permits the Governor in Council to make regulations to prohibit or limit the admission of persons by reason of: (1)nationality, citizenship, ethnic group, occupation, class or geographical area of origin, (2)peculiar customs, habits, modes of life or methods of holding property, (3)unsuitability having regard to the climatic, economic, social, industrial, educational, labour, health or other conditions or requirements existing, temporarily or otherwise, in Canada or in the area or country from or through which such persons come to Canada, or (4)probable inability to become readily assimilated or to assume the duties or responsibilities of Canadian citizenship within a reasonable time after their admission. As Harney points out, to preempt the potential attack from the U.N. Charter, the Act was deliberately phrased not to refer to any 'race' concept unlike the 1910 Act.

Corbett criticizes this delegation of the entire responsibility from Parliament to the Cabinet regarding admissibility of immigrants.

> Turning over this responsibility to the Cabinet seems to me to be an action of weakness. From the Cabinet there need be no disclosures of the reasons why any particular group is rejected. If Parliament were to debate these questions, statements of prejudice or preference would be widely reported and these would offend some nations abroad. To avoid embarrassment all round, the Cabinet and its loyal parliamentary majority have decided to let these touchy questions be settled in private.[144]

Corbett calls this a perversion of the Parliamentary system. What was worse, "the Act gave the Minister powers of discretion such as to give him potentially the last word on every individual case."[145] In fact, the Minister had total authority over admissions, even to reverse the decision of an Immigration Appeal Board, which would be established under the provisions of the Act. As King stated in Parliament, immigration to Canada was not a matter of right, but a privilege conferred by the Canadian government.

A Special Inquiry Officer's decisions were subject to appeal to the Minister of Citizenship and Immigration. The Minister in turn could refer them to an Immigration Appeal Board, whose decisions could be again in turn reviewed by the Minister. The Minister's own decision was by statute final, and in default of review by him or her, the Board's decisions were final. Under a different light, Mabel F. Timlin argued that the expansion of the discretion afforded the Minister and his or her officers had lightened the load on the Cabinet by reducing the necessity for passing numerous special orders-in-council and that the institution of the Immigration Appeal Board had lightened the load on the Minister at a time when it was becoming very heavy.[146]

With regard to the second defect Hawkins points out, the Act was primarily an instrument for carrying out policy. The policy actually stated and pursued by the government was of first importance in determining the flow of immigration.[147] Therefore, the Act was flexible so as to regulate the actual flow of immigration and classes of persons admissible under authority of order-in-council. Immigration was a means to an end. Changing conditions and emergencies relating to immigration could be met by changes in regulations. This was, as King stated, good for adjusting the number of immigrants to the absorptive capacity of the country, which would vary from year to year in response to economic situations.

X. Conclusion

The post-war immigration policy, which started by deciding the timing of King's public statement on the principles, was seemingly constantly controlled by the senior immigration bureaucrats, such as Jolliffe, and influential Immigration Ministers who shared a similar view with top mandarins, such as Pickersgill and Harris. Hawkins summarizes the making of Canada's immigration policy in this period as follows:

> This process of policy initiation and development has taken place within a very small group of senior officials working with the Deputy Minister. Sometimes the Minister has been part of this working group, sometimes not. After this process of departmental policy formulation, the Minister is presumably the advocate of these policies in Cabinet.[148]

This suggests that the pattern of Canada's immigration policy-making was typically characterized by statism, expressed most strongly in the state's control over national borders.

The idea that immigration to Canada was a privilege given by the state eloquently evidenced the core shell of the state in conducting immigration policy. A small number of people in the Cabinet and in the bureaucracy were in fact able to control the essence of Canada's immigration policy in all other areas, as King's very broad statement of principles and a flexible immigration act gave them virtually a free hand in making concrete policy and administering it.

On the other hand, it is misleading to rely exclusively on the statist model to explain Canada's immigration policy in the immediate post-war period. The government had to make an important concession vis-à-vis Chinese immigrants who had been unfairly deprived of their opportunity to sponsor their own families in order to conform to the international norm, embodied in the U.N. Charter. This novel international factor makes us realize that a decentralized international system made up of sovereign states acting independently to maximize their national interests was being transformed and national policies were being influenced by values which transcended national boundaries.

It is also important to note that the state made deliberate efforts to co-opt potential societal dissent by allowing the Senate Committee to hear from a wide range of interest groups. That the state is a dominant actor with an upper hand over other interests does not mean that it can completely ignore what civil society wants. To have immigration policy in its secure control, the state wisely consulted diverse societal groups to identify their concerns and interests. The final policy output reflected this state-society interaction. An immigration policy community was being engendered in response to the state's own initiatives and because societal interests were now more vocal than in the past.

Finally, it is evident that the state was not unitary but fragmented into different sectors, which sometimes contradicted each other. The state was given the task of not only making a good rapprochement with civil society but also coordinating its own divergent interests given its internally pluralistic character. The Immigration Branch was the lead agency of immigration policy, but it could not go with any hard policy decisions which would estrange other government departments.

National development oriented state officials were in support of an immigration policy which took in permanent settlers who would meet the economic needs of the country and who would also be easily acceptable in Canadian society. King's Parliamentary speech advocating an active policy was made at a time when an unusually large majority of the Canadian public was in favour of immigration. However, the simple description of the policy decision should not hide the political dynamics which surrounded King's statement.

Notes

1. These goals are concisely enumerated as follows:

> (1) to occupy the country in sufficient numbers to discourage the expansionary tendencies of the American colonies;
> (2) to protect the Pacific Rim from heavy Asian immigration;
> (3) to create economies of scale and a rational East-West axis for an independent polity and a viable economy;

> (4) to maintain a British hegemony by combating separatism, whether in its Prairie Métis and Indian form of the last century or in its Quebecker form in this one, and to counter the *revanche des berceaux* of the *Canadiens* against the British conquest; and
> (5) to foster the image of Canada as a new place of opportunity, a country of potential greatness, and "a land of second chance", characterized by the fairness of British institutions.

Cf. Robert F. Harney, "'So Great a Heritage as Ours' Immigration and the Survival of the Canadian Polity", *Daedalus: Journal of the American Academy of Arts and Sciences*, Vol.CXVII, No.4, Fall 1988, p.53.

2. H.L. Keenleyside, "Canadian Immigration Policy and Its Administration", *External Affairs*, Vol.I, No.5, May 1949, p.3.

3. It is noted that no reference to Quebec's special need for Francophone immigrants was found in King's statement, although lip service was paid to a flow of Francophones to Canada.

4. See Reginald Whitaker, *The Government Party: Organizing and Financing the Liberal Party of Canada 1930-58*, University of Toronto Press, Toronto, 1977.

5. William D. Coleman and Grace Skogstad, "Policy Communities and Policy Networks: A Structural Approach", in William D. Coleman and Grace Skogstad(eds.), *Policy Community and Public Policy in Canada: A Structural Approach*, Copp Clark Pitman, Mississauga, Ont., 1990, Ch.1, p.7.

6. David Corbett, "Immigration and Foreign Policy in Australia and Canada", *International Journal*, Vol.XIII, No.2, Spring 1958, pp.110-123.

7. 'Populate or Perish' became a national slogan in the aftermath of the Second World War. Cf. Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, McGill-Queen's University Press, Kingston and Montreal, 1989, pp.31-32.

8. For example, Christopher Ondaatje writes the following on him:

> He was an extremely astute and ambitious politician who kept his own sense of political survival perfectly in tune with his belief in the survival and destiny of Canada. ... King was a supreme pragmatist who could sense a need before it became

> one. He built his government and Canada with his sixth sense.

Cf. Christopher Ondaatje, *The Prime Ministers of Canada: Macdonald to Mulroney 1867-1985*, Pagurian Press, Toronto, 1985, p.85.

9. David C. Corbett, *Canada's Immigration Policy: A Critique*, University of Toronto Press, Toronto, 1957, p.36.

10. National Archives of Canada [hereafter referred to as NAC], RG 76, Vol.29, File 653, pt.18, Memo for Cabinet, Subject "Immigration", A.L. Jolliffe, Director of the Immigration Branch, Sept.4, 1945; RG 76, Vol.485, File 750043, Memo for Cabinet, Subject "Immigration", Minister of Mines and Resources, Sept.4, 1945.

11. Abella, Irving and Harold Troper, *None Is Too Many: Canada and the Jews of Europe 1933-1948*, Lester & Orpen Dennys, Toronto, 1983, p.7.

> Crerar, now well past his prime as a power on the Liberal party benches, knew little of the workings of the Immigration Branch and cared even less. He relied almost totally on its director for advice.

12. NAC, RG 76, Vol.485, File 750043, Letter from J.C.G. Herwig, General Secretary, The Canadian Legion of the British Empire Service League, Ottawa, to T.A. Crerar, Minister of Mines and Resources, Aug.19, 1944.

13. Ibid., Memo for N.A. Robertson, Under-Secretary of State for External Affairs, from H.F. Angus, Department of External Affairs, Aug.31, 1945.

14. Keenleyside, op.cit., p.3.

15. A debate on the subject is endless, active even today. See, for example, Andrew Coyne, "No limits, no quotas: All who want to immigrate should be admitted", *The Globe and Mail*, July 18, 1994, p.A16; George Matthews, "The absurdity of urging limitless immigration", *The Globe and Mail*, July 26, 1994, p.A17; Andrew Coyne, "How do we know Canada couldn't take in a million people a year?", *The Globe and Mail*, Aug.1, 1994, p.A16.

16. Alan G. Green, *Immigration and the Postwar Canadian Economy*, Macmillan of Canada, Toronto, 1976, pp.32-33.

17. Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern*, 2nd ed., McGill-Queen's University Press, Kingston and Montreal, 1988, p.111. The Immigration Branch

was transferred to the newly established Department of Citizenship and Immigration in 1950. However, the description offered here is valid even when it was in the Department of Mines and Resources.

18. H.L. Keenleyside, "Canadian Immigration Policy", *International Journal*, Vol.III, No.3, Summer 1948, pp.230-231.

19. B.K. Sandwell, "Population: A Canadian Problem", *Queen's Quarterly*, Vol.LIV, No.3, Autumn 1947, p.312.

20. See, for example, Mabel F. Timlin, *Does Canada Need More People?*, Issued under the auspices of the Canadian Institute of International Affairs, Oxford University Press, Toronto, 1951.

21. Coleman and Skogstad, op.cit., p.16.

22. Harney, op.cit. p.51.

23. F.J. McEvoy, "A Symbol of Racial Discrimination: The Chinese Immigration Act and Canada's Relations with China, 1942-1947", *Canadian Ethnic Studies*, Vol.XIV, No.3, 1982, p.28.

24. H.F. Angus, "A Contribution to International Ill-will", *The Dalhousie Review*, Vol.XIII, No.1, Spring 1933, p.25, p.26.

25. Ibid., p.27.

26. McEvoy, op.cit., p.35.

27. No public opinion poll asked any specific question about 'race' most likely because it was assumed that the majority of society supported racially-based immigrant selection and because a more diplomatic expression, 'right type', contained the idea of race.

28. NAC, RG 76, Vol.854, File 554-6, pt.1, A.R. Menzies, Confidential Report, "Asiatic Immigration into Canada", Mar.1, 1947, p.1.

29. Article 1,

> 3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; ...

30. NAC, RG 76, Vol.854, File 554-6, pt.1, Menzies, op.cit., p.2.

31. NAC, Louis St. Laurent Papers, MG 26, L, Vol.225, File I-17, Memo to the Cabinet, Report from Cabinet Committee on Immigration Policy, date unknown.

32. This policy change was not included in King's Parliamentary speech. It is obviously because it was not a popular idea to admit even any minuscule number of Asians to Canada for permanent residence.

33. It is historically recorded that Anglo-Saxon immigrant nations including Canada fought hard for the insertion of the specific clause into the U.N. Charter, that domestic matters be not discussed in the U.N., for the very purpose of keeping their immigration policies free from international interference. See Sean Brawley, "The White Peril: Foreign Relations and Asian Immigration to Australasia and North America 1918-1973", Ph.D. Dissertation, University of New South Wales, 1992, Ch.5, pp.224-253.

34. McEvoy, op.cit., p.34.

35. NAC, MG 26, L, Vol.225, File I-17, Immigration, Letter from A.E. Armstrong and S.K. Nagai, Co-Chairmen, Committee for the Repeal of the Chinese Immigration Act, Toronto, to L. St. Laurent, Secretary of State for External Affairs, Feb.7, 1947.

36. McEvoy, op.cit., p.34.

37. No numerical data are available on this specific question. However, it is strongly believed so, not only in British Columbia but in Canada as a whole, because of what they had in mind by the 'right-type' immigrants.

38. NAC, RG 76, Vol.854, File 554-6, pt.1, Menzies, op.cit., p.3.

39. This is well shown in Canada's dealings with Japanese immigrants.

40. NAC, RG 76, Vol.854, File 554-6, pt.1, Memo from Jean Boucher, to Laval Fortier, Deputy Minister of Citizenship and Immigration, Subject "Canadian Immigration Policy in regard to Asia", Nov.30, 1950.

41. Ibid., Menzies, op.cit., p.3.

42. NAC, RG 76, Vol.485, File 750043, Letter from J.C.G. Herwig, General Secretary, The Canadian Legion of the British

Empire Service League, Ottawa, to T.A. Crerar, Minister of Mines and Resources, Aug.19, 1944.

43. Paul M. Roddick, "Canadian Immigration - Policy and Practice -", *Queen's Quarterly*, Vol.LXII, No.4, Winter 1955, p.533.

44. Fred Bodsworth, "What's behind the Immigration wrangle?", *Maclean's*, Vol.LXVIII, No.10, May 14, 1955, p.12.

45. Ibid., p.127.

46. Hawkins writes the following on this Committee: The Senate Committee on Immigration and Labour was a very able committee; several of its members were outstanding in their interest in the subject and desire for information. The proceedings of the Committee are very valuable, not only as a revelation of the attitudes of Canadians of that day towards the possibility of a large, new immigration movement, but also as an examination, for the first time, of some of the principal issues and problems which immigration presents as an important sector of Canadian public policy.

Cf. Hawkins(1988), op.cit., p.82.

47. Senate of Canada [hereafter referred to as SC], *Proceedings of the Standing Committee on Immigration and Labour*, No.11, Aug.13, 1946, p.315.

48. Ibid., No.8, July 25, 1946, p.211.

49. Ibid., No.8, July 25, 1946, p.208.

50. Ibid., No.8, July 25, 1946, p.209.

51. Ibid., No.5, July 2, 1946, p.162.

52. Ibid., No.5, July 2, 1946, p.163.

53. B.K. Sandwell, "Public Affairs: Our Immigration Problem: Some Facts and Fallacies", *Queen's Quarterly*, Vol.LIII, No.4, Winter 1946-1947, p.502.

54. SC, op.cit., No.9, July 30, 1946, p.236.

55. Ibid., No.2, May 29, 1946, p.64.

56. Ibid., No.2, May 29, 1946, p.65.

57. Ibid., No.11, Aug.13, 1946, p.315.

58. Ibid., No.11, Aug.13, 1946, p.316.

59. Ibid., No.11, Aug.13, 1946, P.315.

60. Ibid., No.11, Aug.13, 1946, p.310.

61. Ibid., No.8, July 25, 1946, p.207.

62. Ibid., No.8, July 25, 1946, p.222.

63. Ibid., No.11, Aug.13, 1946, p.310.

64. Ibid., No.14, July 9, 1947, p.391. Although this report was issued after King's statement, it does tell us that King's speech was made against this background.

65. "Bring the People In", The Editorial, *Maclean's*, Vol.LXI, No.3, Feb.1, 1948, p.2. 51% of Canadians questioned were unconditionally in favour of increased immigration (11% for the right type of immigrants, 30% against immigration, and 8% undecided). Even though a bare majority was for immigration with no hesitation, this was still historically anomalous. See Ted Moroz, "Canadian Immigration: Policy and Perspectives", M.A. Thesis, Carleton University, 1989, Ch.4, pp.102-132.

66. NAC, RG 76, Vol.777, File 536-52, A meeting of the Interdepartmental Committee on Immigration Policy, Privy Council Office, July 20, 1946.

67. Ibid., Draft Proposals for Immediate Measures to Regulate Immigration into Canada.

68. NAC, MG 26, L, Vol.225, File I-17, Immigration, Letter from L.B. Pearson, Under-Secretary of State for External Affairs, to M.W. Mackenzie, Deputy Minister of the Department of Trade and Commerce, Feb.19, 1947.

69. NAC, RG 76, Vol.854, File 554-6, pt.1, Menzies, op.cit., p.1.

70. Ibid., p.10.

71. Ibid., pp.11-12.

72. NAC, RG 76, Vol.854, File 554-6, pt.1, Memo from Jean Boucher, to Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, Canadian Immigration Policy in regard to Asia, Nov.30, 1950, p.4; NAC, RG 26, Vol.126, File 3-33-2, pt.1, Asiatic Immigration, Nov.22, 1952; NAC, RG 76, Vol.812, File 551-1, pt.8, Memo from L.M. Hunter, Chief of the Settlement Division, to Director of the Immigration Branch, Suggestions for the Immigration Inflow, Sept.17, 1958.

73. NAC, RG 76, Vol.29, File 653, pt.18, Letter from A. MacNamara, Deputy Minister of the Department of Labour, to J.A. Glen, Minister of Mines and Resources, Dec.9, 1946.

74. NAC, RG 76, Vol.651, File B 29300, pt.1, Letter from A. MacNamara, Deputy Minister of the Department of Labour, to A.L. Jolliffe, Director of the Immigration Branch, Feb.25, 1947.

75. Ibid., Memo from J.A. Glen, Minister of Mines and Resources, to the Governor General in Council, Mar.25, 1947.

76. Ibid., Letter from H.L. Keenleyside, Deputy Minister of the Department of Mines and Resources, to A. MacNamara, Deputy Minister of the Department of Labour, Apr.2, 1947.

77. NAC, RG 76, Vol.29, File 653, pt.18, Letter from Arthur Rondles, General Passenger Traffic Manager, Cunard White Star Ltd., to A. MacNamara, Deputy Minister of the Department of Labour, Jan.17, 1947.

78. Ibid., Letter from Rondles to A.L. Jolliffe, Director of the Immigration Branch, Jan.17, 1947.

79. NAC, William Lyon Mackenzie King Papers, MG 26, J2, Vol.428, File I-20, Immigration, Letter from D.L. Morrell, Executive Secretary, The Canadian Chamber of Commerce, Montreal, to W.L. Mackenzie King, Prime Minister, Sept.13, 1946.

80. Ibid., Letter from H.S. Tobin, President, Canadian Manufacturers Association, Toronto, to W.L. Mackenzie King, Prime Minister, Dec.5, 1946.

81. Ibid., Letter from H.M. Turner, President and F.D. Tolchard, General Manager, The Board of Trade of the City of Toronto, to J.A. Glen, Minister of Mines and Resources, Dec.21, 1946.

82. NAC, John G. Diefenbaker Papers, MG 26, M7439, Vol.57, File 045751-045755, VI, Immigration: the concern of industry and commerce.

83. NAC, RG 76, Vol.244, File 165172, pt.11, Letter from Mike Kotyk, Chairman and Alex Shewchuck, Secretary, the Association of Ukrainian Canadians, Edmonton, to W.L. Mackenzie King, Prime Minister, June 24, 1946.

84. Ibid., Letter from Watson Kirkconnel, Chairman and H.H. Bingham, General Secretary, the Baptist Federation of Canada, to W.L. Mackenzie King, Prime Minister, June 28, 1946.

85. Ibid., Letter from James L. Powell, Grand Secretary, the Grand Post of the Native Sons of British Columbia, Vancouver, to W.L. Mackenzie King, Prime Minister, Sept.14, 1946.

86. Ibid., Letter from Harry Hereford, Secretary, Administration Board, Department of Labour, to M.G. Glassco, Secretary to the Interdepartmental Committee on Immigration Policy, Office of the Privy Council, Dec.14, 1946.

87. Ibid., Letter from R.H. Cooper, City Clerk's Department, City of London, to H.O. White, M.P., House of Commons, Jan.30, 1947.

88. Ibid., Letter from White to A.L. Jolliffe, Director of the Immigration Branch, Feb.3, 1947.

89. Ibid., Letter from Cooper to White, Jan.30, 1947; Letter from Deputy Town Clerk, Dartmouth, N.S., to J.A. Glen, Minister of Mines and Resources, Apr.23, 1947.

90. Ibid., Memo from Raymond Ranger, Assistant Secretary, Interdepartmental Committee on Immigration Policy, to J.A. Jolliffe, Director of the Immigration Branch, Feb.18, 1947.

91. NAC, MG 26, J2, Vol.428, I-20 Immigration, Letter from H.E. Arnold, in Vancouver, to W.L. Mackenzie King, Prime Minister, Feb.1, 1947.

92. NAC, RG 76, Vol.244, File 165172, pt.11, Letter from J.A. Cooper, Secretary-Treasurer, South Eastern Saskatchewan Rural Municipal Association, Bien fait, Saskatchewan, to J.A. Glen, Minister of Mines and Resources, Aug.23, 1946.

93. Ibid., Letter from A. Fines, Secretary, Ontario Provincial Council of the Canadian Daughters' League, to J.A. Glen, Minister of Mines and Resources, Sept.12, 1946.

94. Ibid., Letter from T.P. Appleby, Rehabilitation Officer, Burnaby Re-Establishment Committee, Edmonds, Burnaby, B.C., to W.L. Mackenzie King, Prime Minister, Oct.1, 1946.

95. Ibid., Letter from A.L. Jolliffe, Director of the Immigration Branch, to M.G. Glassco, Secretary to the Interdepartmental Committee on Immigration Policy, Office of the Privy Council, Dec.18, 1946.

96. Ibid., Letter from John Tinling, Secretary, Federation of British Canadian Veterans of Canada, Hamilton, Ont., to J.A. Glen, Minister of Mines and Resources, Oct.9, 1946; Letter from T.D. Anderson, Executive Assistant, The Canadian Legion of the British Empire Service League, Ottawa, to J.A. Glen, Minister of Mines and Resources, Oct.16, 1946.

97. Ibid., Letter from Edmond Bergeron, Secretary, Société Saint-Jean-Baptist, Section Ste-Jeanne d'Arc, Sherbrooke, P.Q., to the Immigration Branch, Apr.2, 1947.

98. Ibid., Letter from Maurice Cleroux, in Montreal, to the Department of Mines and Resources, Apr.2, 1947.

99. Abella and Troper, op.cit., p.246.

100. NAC, RG 76, Vol.29, File 653, pt.19, Memo from A.L. Jolliffe, Director of the Immigration Branch, to C.W. Jackson, Jan.13, 1947.

101. House of Commons [hereafter referred to as HC], *Debates*, Vol.I, Jan.30, 1947, p.3.

> Where measures enacted under war-time powers may be required for a considerable period. bills(*sic*) necessary to give statutory form to their provisions will be introduced without delay. This procedure will bring under your review a number of measures relating, among other matters, to labour relations, agriculture, marketing, immigration, defence, finance and export trade.

102. NAC, RG 76, Vol.29, File 653, pt.19, P.C.371, Jan.30, 1947.

103. Department of Citizenship and Immigration. "Development of Canadian Law", Apr.1, 1963, p.8.

104. The turning-on of immigration policy satisfied the interests of industries which voraciously coveted new sources of cheap and pliable workers.

> Elements in the primary sector of the economy - mining, timbering, railway work, industrial agriculture such as sugar beet production - some of which had used POWs as labor during the war, were in great need of manpower. Many industries also saw the chance to keep native-born labor off balance and to dilute the power of unions.

Cf. Harney, op.cit., p.58.

105. NAC, RG 76, Vol.29, File 653, pt.19, Memo from A.L. Jolliffe, Director of the Immigration Branch, to J.A. Glen, Minister of Mines and Resources, Jan.16, 1947.

106. NAC, Mackenzie King Diaries, MG 26, J13, Transcript 238, Thursday, Jan.23, 1947.

107. Ibid., Jan.23, 1947.

108. NAC, MG 26, J13, Transcript 239, Wednesday, Feb.12, 1947.

109. Ibid., Tuesday, Feb.11, 1947.

110. HC, *Debates*, Vol.I, Feb.11, 1947, pp.308-309.

111. Ibid., Feb.11, 1947, pp.321-322.

112. Ibid., Feb.11, 1947, p.327.

113. Ibid., Feb.11, 1947, p.333.

114. Ibid., Feb.11, 1947, p.327.

115. Ibid., Feb.11, 1947, p.342.

116. Ibid., Feb.11, 1947, p.343.

117. NAC, MG 26, J13, Transcript 239, Friday, Feb.14, 1947.

118. Harney, op.cit., p.54.

119. NAC, MG 26, J13, Transcript 239, Monday, Mar.17, 1947.

120. Harney, op.cit., p.54.

121. NAC, RG 26, Vol.100, File 3-18-1, pt.1, Cabinet Committee on Immigration Policy, Agenda & Minutes of Meetings, Mar.20, 1947.

122. NAC, MG 26, L, Vol.225, File I-17, Immigration, Memo for St. Laurent, Raymond Ranger, Assistant Secretary, Cabinet Committee on Immigration Policy, Mar.21, 1947.

123. Hawkins(1988), op.cit., p.91. This was confirmed in my interview with Gordon Robertson, in Saskatoon, on November 3, 1990.

124. NAC, RG 76, Vol.29, File 653, pt.19, Cabinet Committee on Immigration Policy, Raymond Ranger, Assistant Secretary, Apr.18, 1947.

125. NAC, MG 26, J13, Transcript 241, Tuesday, Apr.29, 1947.

126. Hawkins(1988), op.cit., p.91. This was verified by Hawkins' interview with J.W. Pickersgill, the then Minister of Citizenship and Immigration, in 1967.

127. G.A. Rawlyk, "Canada's Immigration Policy, 1945-1962", *The Dalhousie Review*, Vol.XLII, No.3, Autumn 1962, p.290. Cf. J. Pickersgill, "Statement Regarding Liberal Immigration Policy", Made in Rochester, N.Y., March 10, 1962.

128. Ibid., p.290.

129. Hawkins(1988), op.cit., p.93.

130. NAC, MG 26, J13, Transcript 241, Thursday, May 1, 1947.

131. NAC, RG 76, Vol.29, File 653, pt.19, P.C.1734, May 1, 1947.

132. NAC, MG 26, J13, Transcript 241, Friday, May 2, 1947.

133. "A Matter of Interpretation", The Editorial, *The Globe and Mail*, May 3, 1947, p.6.

134. "Policy Depends on Interpretation", The Editorial, *The Gazette*, May 2, 1947, p.8.

135. Georges Langlots, "L'immigration au Canada", *La Presse*, le 2 mai, 1947, p.1.

136. "Progress Towards Justice", The Editorial, *The Globe and Mail*, May 5, 1947, p.6.

137. Hawkins writes the following:

> The Act was drawn up by senior officials of the Department of Citizenship and Immigration in consultation with officials of the Department of Justice, the Privy Council Office, and the other departments with a major interest in immigration.

Cf. Hawkins(1988), p.101.

138. See HC, *Minutes of Proceedings and Evidence of the Special Committee appointed to consider Bill No.305 - An Act Respecting Immigration*, 1952.

139. NAC, RG 26, Vol.98, File 3-15-1, pt.3, Canadian Immigration Act and Regulations, Memo to Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, from W.J.B., Dec.1, 1952.

140. The counter argument to defend the state action was that those societal groups were not sufficiently prepared to present their cases even though they were offered opportunities to do so.

141. NAC, RG 76, Vol.245, File 165172, pt.16, Letter from W.E. Harris, Minister of Citizenship and Immigration, to A.R. Mosher, President, Canadian Congress of Labour, Ottawa, Dec.17, 1952.

142. Harney, op.cit., p.60.

143. Hawkins(1988), op.cit., p.102.

144. Corbett(1957), op.cit., p.72.

145. Hawkins(1988), op.cit., p.102.

146. Mabel F. Timlin, "Recent Changes in Government Attitudes towards Immigration", *Transactions of the Royal Society of Canada*, Vol.XLIX, Series III, June 1955, Section 2, p.100.

147. NAC, RG 76, Vol.1002, File 5000-1, pt.1, Immigration - General Series, General, Growth of Immigration Legislation, p.7.

148. Hawkins(1988), op.cit., p.347.

CHAPTER FOUR The 1962 and 1967 Regulations

I. Introduction

This chapter will discuss the two immigration regulations which put an end to the colour bar imposed on the entry of non-white immigrants. Newcomers' universal qualities measured by acquired qualifications or attained educational levels took the place of their ascribed human characteristics as criteria of immigrant selection. This was, indeed, a radical change in Canada's immigration policy, which was to transform the entire demographic face of the Canadian nation in the long run. This alteration of policy did not happen overnight. It took years of efforts on the part of the parties interested in abolishing racial discrimination and also some great mobilization of the social forces behind them. There was a considerable political struggle which pitted those who aimed to maintain the status quo against those who supported policy liberalization.

The previous chapter demonstrates that in the post-war period the policy community in immigration was gradually being engendered even though the network was state-directed. It was the state that took the initiative to co-opt societal interests into the policy-making process and to limit the potential resistance from the parties whose interests were divergent from the policy decision. What civil society wanted in the post-war immigration policy was successfully incorporated into King's 1947 public statement even though there was a large murky area left in its implementation. Interest-group activity in the succeeding decades became more intensive and also more of a spontaneous nature. Because of a large immigrant intake in the immediate post-war era, these new settlers and their political allies brought an element of humanitarianism into policy debates because they were interested in this issue area neither as objects to be transported for profit-making nor as labour to be used for production but because they were concerned as living human beings who have family lives to enjoy.

The liberalization of the rigid White Canada Policy and various ideas about its minor modification lingered on in the 1950's. Persons of Lebanese, Syrian, and Armenian origins had been considered as Asians and, consequently, admissible only if they were the immediate families of Canadian citizens. The record shows that H.L. Keenleyside, the then Deputy Minister of the Department of Mines and Resources, took some action to exempt these people from the generic category of Asians on the recommendation of the Cabinet.[1] Although this move did not result in any regulation or amendment to the legislation, the Cabinet ruled on September 29, 1949, that "as they were Asiatics only by reasons of geography, meritorious cases involving persons not within the prescribed degree of relationship to their Canadian sponsors should be dealt with by Order-in-Council".[2]

Subsequently, Walter E. Harris, the then Minister of Citizenship and Immigration, made an announcement in the House of Commons on July 4, 1952, that Lebanese, Syrians, and Armenians as well as persons from certain other Near Eastern countries would be officially exempted from the Regulations governing Asiatic immigration and be placed within the Regulations applicable to Europeans.[3] When the Supreme Court of Canada demanded that the Cabinet spell out precise classes of admissible persons for the reason that the Governor in Council had exceeded its legal authority by delegating to Special Inquiry Officers the authority to decide admissibility, Order-in-Council P.C.1956-785, dated May 24, 1956, recognized the admission of a broad range of sponsored relatives from Egypt, Israel, Lebanon, and Turkey in the same fashion as those from Europe.

The Canadian government concluded special bilateral agreements each with the governments of India, Pakistan, and Ceylon in 1951, to exempt nationals of these British Commonwealth countries from the provisions of P.C.2115, which controlled the entry of all Asians except the Japanese.[4] From that year on, 150 nationals of India, 100 nationals of Pakistan, and 50 nationals of Ceylon would be admitted to Canada annually, unsponsored and their accompanying sponsored immigrants both included.[5] Canadian citizens' close relatives were outside this quota, but the proposal to allot all quota numbers only to heads of families and to place their dependents following outside the quota was lingering on the minds of senior immigration officials.[6] The quota of 150 under the Canada-India agreement was increased to 300 in 1957.[7] Subsequently, immigrants from these three specially favoured countries were formally placed outside the effect of P.C.2115 and Order-in-Council P.C.1958-7 enabled permanent residents to sponsor their immediate families from India, Pakistan, and Ceylon before becoming Canadian citizens.[8]

It was the policy and practice of the Canadian government to refuse permanent residence in Canada to someone who was born in the British West Indies, even though he or she was in fact a British subject. This was because, after 1923, the term "British subject" was applicable only to citizens of Commonwealth countries with predominantly white populations in Canadian immigration policy.[9] However, the West Indian Domestic Scheme was initiated in order to admit female domestic servants on a quota basis to fill job vacancies unoccupied by Canadian women.[10] This programme resulted from the pressures of the Jamaican and Barbadian governments, of the employers in the sector where European manpower was not sufficient, and of the Caribbeans themselves, who were fighting against racial discrimination and for equality of rights by forming the Negro Citizenship Association.[11]

The events introduced above were the prelude to the momentous policy changes in the 1960's. A thaw was gradually taking place for placing economic concerns and diplomatic relations ahead of the idea of racial distinction in Canada's immigrant selection. The Canadian state, steered by national policy-makers in various departments, one of which was the Department of Citizenship and Immigration turned into Manpower and Immigration, had competing interests within itself and also had to deal deftly with the immigration policy community, which came to articulate their interests more acutely than before especially over the question of sponsorship.

II. The Two Regulations

The Progressive Conservative government's Order-in-Council P.C.86 of January 19, 1962, which removed the country of origin as a determinant in immigrant selection, instead set up universally evaluated capacity as the major criterion for unsponsored immigrants. Provided that Canada always needs to increase its population through immigration in order to expand its domestic market and to maintain its national independence, new settlers could not be taken in randomly with no regard to their means of subsistence or their effect on Canadian life.[12]

Every effort had been made in the past to bring immigrants from countries having economic, social, and political backgrounds similar to Canada's, on the assumption that these new members of the society should be more easily and quickly adaptable to Canadian life. However, quickly advancing technologies and economic uncertainties of the previous five-year period caused the government to give priority to useful and marketable personal characteristics over skin colours of no practical use.[13] It was tangibly realized by national policy-makers that people from non-white countries could be successfully integrated if they were economically competitive in terms of education, training, skills, and other special qualifications. The 1962 Regulations, which came into effect on February 1st, had Section 31 to specify, with no numerical limit, those persons who are eligible to make an application for permanent residence in Canada.[14]

Nonetheless, as stipulated in Section 31(a)(iv), citizenship became a condition to sponsor fiancé(e)s, sons-in-law and daughters-in-law, or sons and daughters over 21 years old. David Corbett writes, "This is a backward step from December, 1957 when these differences were abolished and Canadian citizens and residents were given equal rights to sponsor their relatives from any part of the world".[15] However, it is reminded that this reactionary citizenship requirement affected every immigrant irrespective of his or her state of origin. The Order-in-Council P.C.1954-1351 of September 17, 1954, had restricted immigration of citizens of the countries in Asia and Africa to the immediate family members of Canadian citizens, residing in Canada and able to look after newcomers.[16] This arrangement discriminated between those sponsored from the so-called favoured areas of Europe and the Americas and those from the rest of the World.

Various national groups, particularly the East Indians and the Chinese, had been resentful of this citizenship requirement, for immigrants from such non-white countries had to wait for at least five years after arrival in Canada to become eligible to bring over their close relatives, while immigrants from the preferred areas were allowed to bring their families once they were able to provide satisfactory settlement arrangements. Given that many immigrants were ready to bring their families to Canada within a year or so after landing, this unfair discrimination against newcomers from non-preferred areas had caused financial and psychological handicaps on immigrants in Canada and their families left behind.

The Order-in-Council P.C. 1957-1675 of December 20, 1957, rectified this anomaly by providing the same ability to sponsor relatives to legal permanent residents as citizens of Canada.[17] This 1957 Order-in-council positively affected sponsored immigrants from Asia and Africa, because till then only Canadian citizens had been able to sponsor their relatives from those unfavoured areas in contrast to the favoured ones. The citizenship requirement for sponsorship was removed in 1957, in the belief that family reunion was a vital factor in the smooth satisfactory settlement of immigrants in Canada.

The backward step from 1957 contained in the 1962 Regulations was supplemented by the most obvious discrimination found in Section 31(d), which made it possible only for immigrants from the areas of Europe and the Americas to sponsor their extended families, whether those immigrants were naturalized or not. Brothers and sisters, and orphan nephews and nieces were placed in the category of distant families for the first time since Order-in-Council P.C.2071 of May 28, 1946.[18] This modification is explained by the intention to prevent Asian and African immigrants from sponsoring relatives of this kind, as non-white Canadian citizens had not been allowed to sponsor these relatives since P.C.182 of January 31, 1923.[19] Freda Hawkins explains the remaining discriminatory clause in the 1962 Regulations by writing that, as the sharply escalating and uncontrolled movement of distant relatives from Southern Europe had preoccupied government and Departmental officials over the previous five years, the fear of an equivalent movement of relatives from Asia induced the Department at the last moment to insert a restrictive clause in the Regulations.[20]

However, the small backstep regarding citizenship and the residual racially discriminating clause were easily outweighed by the long forward step, that is, the abolition of the invidious racially based selection of independent immigrants, who aim to seek admission to Canada with no material or psychological support of accompanying or settled families. Canada increasingly needed highly skilled manpower in a swiftly changing technological environment and wanted to avoid the inflow of the unskilled owing to the prevailing high rate of unemployment. As a result, skill level overrode skin colour as the determining element of human selection. This was such a significant event in Canadian history, given Howard Adelman's contention that "nothing is more central to Canada than who we allow to become members of our Canadian community and the processes adopted to permit membership".[21]

The second important decision made by the Canadian government in the 1960's was Order-in-Council P.C.1616 of April 18, 1967. The Liberals, who came to power in 1963, set up three categories of immigrants - sponsored, nominated, and independent, which were the consequence of the state's contrivance in the face of the tangled sponsorship issue.[22] Sponsored dependents were the immediate family of a Canadian citizen or a person lawfully admitted to Canada for landing. A nominated relative was someone nominated for permanent residency by a Canadian citizen or a landed immigrant because of his or her extended family relationship. His or her nominator had an obligation to provide accommodation, care, and maintenance for the nominee for at least five years. Nominated relatives could bring their immediate families, as sponsored dependents, to Canada with no numerical or skill bar. An independent applicant was anyone other than sponsored dependents or nominated relatives, who applies for permanent admission to Canada on his or her own merit.

The criteria for unsponsored immigrants "were set out in detail in the regulations for the first time, in the form of nine factors against which applicants were to be judged on their short-term and long-term prospects for successful establishment in Canada".[23] These factors included education and training, personal qualities, occupational demand, occupational skill, age, employment arrangements, knowledge of English and French, relatives, and area of destinations. An innovative points system, which measured potential immigrants' ability to successfully settle in Canada, for unsponsored applicants provided for 100 assessment units in the nine categories.[24] To qualify for admission, an independent applicant must achieve at least 50 units whether he or she applied within or outside Canada. The 1967 Regulations made specific provisions generously for visitors to apply for landing while in Canada.

A nominated relative was assessed on the first five selection factors on the rationale that the value of potential assistance to the immigrant from his or her nominator was judged to be sufficient to cover the remaining four factors.[25] If a nominator was a Canadian citizen, a nominated relative needed only 20 units for admission in the case of less distant relatives such as sons and daughters. If a permanent resident of Canada nominated his or her relative for admission, 25 units were required of less distant relatives.

More distant relatives such as uncles and aunts, who were nominated by a Canadian citizen, needed 30 units for landing in Canada, and if nominated by a permanent resident, 35 units. Additional units were needed if nominated relatives applied from within Canada. Here again remained a differential treatment of citizens and permanent residents in their ability to bring their relatives into Canada, although it was not on a pass/fail basis but in the numerical bar.

Discrimination on the basis of race or nationality was totally abolished at least in form for all classes of immigrants in the 1967 Regulations. No one factor in the points system would be critical in the sense that a small number of units in certain factors could be compensated for by a combination of other qualities which give a potential immigrant a good chance of success in Canada. Further, various factors' "weighing was designed to be flexible, and to correspond to changing conditions in Canada".[26] Even the following description was true.

> ... the immigration officer had additional discretion (if he has approval by the appropriate superior officer for his particular reasons for doing so) to approve the admission of an applicant who does not obtain the minimum units of assessment - or refuse the admission of an applicant who does - if in the officer's opinion there are good reasons why the assessment does not reflect the particular applicant's chances of establishing himself successfully in Canada.[27]

Thus, this room for subjectivity is often beneficial to prospective immigrants, but it is potentially harmful to them on account of on-site immigration officers' hidden prejudices.

A new class of nominated relatives was created as a hybrid between sponsored dependents, who would be admitted free from the points system, and independent applicants, who needed to prove their own merit for landing in Canada. This was an outcome of a three-fold attempt: to get completely rid of the country of origin in immigration selection, to restrain the outburst of sponsored immigrants, and to improve skill contents brought about by newcomers to Canada. Hawkins neatly summarizes the purposes which the Regulations were intended to attain:

> 1) to remove racial discrimination;
> 2) to raise the quality in terms of education and skill of the annual immigration movement, and to make it more responsive to the needs of the Canadian labour market;
> 3) to check the unrestricted movement to Canada of sponsored relatives (who came in the main from Southern Europe and were generally unskilled),

> which began to escalate in the mid-fifties.[28]

Constantine E. A. Passaris argues that "the introduction of the 1967 Immigration Regulations provided the most direct and obvious emphasis that had been placed in Canadian post-war immigration policy on the interface between immigration and the economy's manpower requirement".[29]

Canada's absorptive capacity, the origin which could be traced back to King's 1947 Parliamentary speech, was envisaged more than before in relation to several qualitative aspects such as education, training, and skills instead of the sheer volume of immigrant arrivals or a broad concept of cultural adaptability. An economist, Alan G. Green, sees the 1967 Regulations as the case which reveals most clearly three themes of post-war immigration legislation and programmes: (a)the concept of absorptive capacity, (b)a generally expansionist posture towards immigration, and (c)the emergence of universality or the elimination of racial or ethnic discrimination of deciding admissibility.[30]

III. Some Remarks on Racial Discrimination

Even after Canadian policy became formally and ostensibly non-racial and universal, a detailed examination of some of the requirements of the policy and an incisive analysis of the consequent immigration patterns raised some doubt. A critical look at a points system showed that the categories were not racially neutral in practice.

> (1) All those factors relating to the employment and education of the applicant favour the middle-class and skilled working-class, social groups which are much larger in the (white) advanced capitalist countries than they are in the Third World.
> (2) The points awarded for relatives in Canada favour applicants from those countries from which Canada's population was previously drawn, i.e. the white world.
> (3) The fifteen points awarded by personal assessment are decided by the Immigration Officer, whose attitudes are far from racially neutral.[31]

On the other hand, the age factor works to the advantage of the Third World because the inferior longevity makes the limit less important to prospective immigrants from there.[32]

Christopher J. Wydrzynski reasons that the points system, naturally giving a preference to skilled and professionally qualified immigrants, "developed a cultural and ethnic bias against prospective immigrants from developing nations, as fewer inhabitants of these countries possessed the skills necessary to successfully immigrate to Canada".[33] He points out a structural bias by writing that "[O]n the whole, the Norms of Assessment, although outwardly non-discriminatory, were still tainted with unnecessary discretionary attributes, even with the authority to ignore a successful evaluation in appropriate cases".[34] Bernard Bonin writes the following:

> Even a universal and non-discriminatory policy, applied in the same way to all the countries in the world where conditions at the outset are not equal, would bring in a "slanted" flow of immigrants.[35]

Louis Parai also writes that, although the Regulations no longer favoured applicants from particular areas, this did not mean that all such preferences had been eliminated.[36]

Although many new immigration offices were opened in Asia, the Caribbean, and the Middle East, it is important to remember that the number and location of these offices provided only an incomplete picture of the real situation. Although the officials of the Department of Manpower and Immigration said that few blacks were admitted because few applied, David Thomas pointed out that it was virtually impossible for them to do so on account of immigration offices' locations. In fact, it was only in 1973 that the first immigration office was set up in black Africa.[37] Before this, applicants from black African countries had to travel as far as Cairo, where an office had been established in 1963, and prior to it even to another continent for an interview.

Parai argues that immigration policy was implemented not only by the location and size of immigration offices, but also through such other ancillary means as promotional activities and loans supplied to assist immigrants in transportation costs to Canada.[38] Active recruiting of immigrants continued to be permitted essentially only in Britain and the Department took the position that it would not actively seek immigrants in developing countries nominally to minimize the brain drain.[39] Assisted passage loans had been made only to immigrants coming directly from Europe until 1966 and became available universally to anyone coming to Canada finally in 1970.[40] However, the background negotiation in the bureaucracy to eliminate the differential treatment regarding assisted passage shows us that the Department of Manpower and Immigration reluctantly took this action.[41]

Apart from the aforementioned structural biases, there is always the possibility that the racial prejudice of the Immigration Officers may intrude into decision-making procedures.[42] Martin Loney writes as follows:

> The country was colonised by whites and the stereotypes of the 'good immigrant' may still be bound up in the Immigration Officer's view with

> characteristics associated with white, particularly British, immigrants.[43]

How accurate this assessment is to describe the selection officers' hidden psyche is open to a question. Thomas did not hesitate at all to say that Canada's immigration policy was "thoroughly racist, designed to discourage any influx of newcomers from non-white countries".[44] He explained the existing danger against prospective coloured immigrants.

> The situation is particularly grim at the lower levels where department officials have blatantly ignored or subverted ministerial policy pronouncements. If the officer can't manage to calculate a failing grade for an applicant he has "good reason" to dislike, the regulations allow him to ignore his own grading. A rejected candidate is refused any explanation of his failure, making it impossible for him to know where he might upgrade his point score.[45]

Although the Immigration Appeal Board could reverse arbitrary administrative rulings, it was really a means useful only to persons already in Canada. Persons whose applications were unsuccessful for one reason or another outside Canada or at the border did not have an automatic right of appeal and could not stay in Canada while awaiting a hearing. Wydrzynski notes that many objectives of immigrant selection were "shrouded in secrecy within the confines of overseas immigration offices away from any real domestic scrutiny".[46]

Hawkins, herself an immigrant to Canada from England, argues that it was not racial discrimination but the brain drain that was the major concern of policy-makers. She gives the benefit of the doubt to Canadian immigration officers with an unreasonable conviction that they were not against immigration but for it.

> One cannot say, of course, that all immigration officers today are free from prejudices of different kinds. Like other government officials, they have a wide range of political and other views. ... Nevertheless, if immigration policy is positive and immigrants are wanted there is a considerable fascination in observing and being involved in the immigration process and this undoubtedly affects Canadian immigration officers in a positive sense.[47]

She defends the use of discretion by immigration officers to exercise their own judgment, as this discretion was often exercised in favour of the applicant rather than against him or her.[48] In any case, the concerns with immigration officers' racial bias lingered on long after a colour bar had been officially removed.

Jean Marchand, Minister of Manpower and Immigration, admitted that there was *de facto* discrimination in Asia and Africa, by pointing out that processing applications took longer for prospective immigrants from outside of Europe than for those from Europe.[49] In response to his promise to act to eliminate such *de facto* discrimination, many more immigration offices were opened outside Europe. Hawkins notes that no striking changes were observed immediately after the 1962 Regulations, either in the total number of immigrants admitted or in their national origin, for there was no money for new development due to an economic downswing.[50] By 1966 Canada had entered a period of rapid economic expansion and the Development of Manpower and Immigration had a much larger budget and thus a commitment to the conduct of a universal immigration policy, which was more faithful to its intent.

Table I The Distribution of Immigration Offices outside of Canada

	1955	1965	1975
Western Europe	18	26	23
Eastern Europe	0	0	3
United States	0	4	12
Australasia	0	0	1
Asia	2	2	7
Africa(south of Sahara)	0	0	1
Near East	*1(a consular officer)	2	4
Caribbean	0	0	3
Latin America	0	0	3
Total	20	34	57

Sources: Department of Citizenship and Immigration, *Annual Report*, 1954-1955, pp.26-27, 1964-1965, pp.18-19; Department of Manpower and Immigration, *Annual Report*, 1966-1967, Appendix "C", 1968-1969, p.11, 1969-1970, p.9, 1971-1972, p.13, 1972-1973, p.14, 1973-1974, p.19, 1974-1975, p.19; Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern*, 2nd ed., McGill-Queen's University Press, Kingston and Montreal, 1988, Appendix 5.

IV. The Process to the Breakthrough

One way of explaining the above-mentioned policy changes is to argue that the state embodied by the Immigration Ministers and their faithful interest-maximizing bureaucrats were principal initiators and that they acted for furthering what public officials viewed as Canada's national interest. Following this interpretation's main tenet, the state had its own distinctive interests in carrying out what it intended to do, which could override whatever interests civil society might have held in Canada's immigration policy when they came into conflicting relationships.

Corbett supports this state-centric model by arguing that the 1962 Regulations, which were a significant step towards liberalizing immigration policy, were brought about by the Minister of the day, Ellen L. Fairclough, and the civil servants especially those at the top.[51] He writes that the Deputy Minister, George F. Davidson, was the man to count on to exert a liberal influence both on policy-making and on its execution. Hawkins also supports this type of interpretation as follows:

> This very important policy change was made not as a result of parliamentary or popular demand, but because some senior officials in Canada, including Dr. Davidson, rightly saw that Canada could not operate effectively within the United Nations, or in the multiracial Commonwealth, with the millstone of a racially discriminatory immigration policy round her neck. Apart from all other considerations, this decision undoubtedly proved beneficial for Canada's international image and effectiveness during the 1960s, when empires were ending and so many new independent states were being created.[52]

Public officials took the initiative in abolishing racial discrimination because they thought it in the national interest of Canada to do so in a rapidly changing international environment in which many more non-white peoples were having their own sovereign states. L.W. St John-Jones emphasizes the Prime Minister's idiosyncrasy, which favoured equality among different races and finally brought a bill of rights into Canada.[53] Irrespective of the Prime Minister's preferences, the Diefenbaker government was in distress when white countries were becoming a numerical minority in the Commonwealth and the South African question was seriously debated in international society.[54]

Furthermore, it was argued that some kind of diplomatic pressure was exerted by Britain on its former dominion when Britain was suffering from a heavy load of coloured immigration as a price of having headed a multiracial empire for over a century.[55] Even New Zealand, a white Commonwealth country, served as an important agent against Canada and Australia's maintaining a racially discriminatory immigration policy.[56]

> The colour bar and discrimination on the ground of race ... are inimical to many things in which New Zealanders profess a sincere interest, among them

> the improvement of race relations generally and the betterment of understandings between the British countries and the Asian Dominions in particular. Students of race relations and of Commonwealth relations have frequently pointed out that immigration laws which discriminate on groups of race or colour are deeply offensive to Asian peoples because of the implied stigma of inferiority. Most enlightened Asians, and certainly the governments of the Asian Dominions, admit the reasonableness of the desire of the 'white' British countries, on economic and other grounds, to keep their populations predominantly of one race. They do not want an unrestricted right to these countries; they do not want large immigration quotas. They do want to see established the principle that race, or colour, or culture should not automatically disqualify the applicant for admission.[57]

In the same fashion it is argued that the state found its national interest in stressing the importance of skills which immigrants bring into a domestic labour market. Canada needed the kind of professionals and tradesmen which were in short supply for the growth of the Canadian economy. The immigrant to Canada was no longer the "stalwart peasant in sheep-skin coat ... with a stout wife and a half dozen children", who was the prototype in Sifton's period, but often highly skilled and well-educated. An official magazine of the Department of External Affairs had the following passage:

> An upgrading of the education and skill standards of the labour force goes hand in hand with an inflow of skilled or trainable new Canadians, as the basis for the country's continued prosperity.[58]

The adoption of a points system could be explained from the state's rationality perspective. Tom Kent, the then Deputy Minister of the newly established Department of Manpower and Immigration, who held a very liberal view on immigration,[59] writes as follows:

> Guy Favreau had been Minister of Citizenship for three months. He had inherited a system under which there was little definition of rules to determine who was admissible to Canada and who was not. A great deal was left to the discretion of the individual immigration officer. This meant that, in many of those cases in which someone in Canada made representations, the decisions were pushed up the bureaucratic ladder. Unless the Minister was very firm in delegation, to people he

> could trust to have good noses for the cases that might be troublesome, many marginal applications were bound to reach his desk. Guy was not a delegater. His great humanitarianism made him acutely conscious that a scribbled decision on a buff file could make a vast difference to the lives of a family. He tried to read each carefully and responded as a merciful judge. The intent was noble, the activity ridiculous for a man with so much else to do. My immediate reaction, as we talked after moving the files from two of the chairs on to the floor, was to add immigration procedures to the list of reforms I wanted to achieve.[60]

The policies on which politicians came to agreement needed lots of interpretation because they were the output of bargaining among a number of competing interests. This vagueness was carried into the instructions given to the junior officials who were in a position to administer the policy. The procedural rules were so blurry that a heap of cases were referred to higher levels of the bureaucracy. As a consequence, senior immigration officials, even the Deputy Minister, and usually the Minister, who had the final say in any case, had to get embroiled in making detailed decisions. A points system was set up against this background.

> In fact there was, for the most part, remarkably ready recognition that the new system provided a policy framework within which officials could make more consistent decisions more confidently. It was smoothly implemented and proved to be a reform that stood the test of time.[61]

Thus, it would seem that the key policy changes in the 1960's could be accounted for by the national interest defined by senior policy-makers alone. However, this state-centred approach to immigration policy-making can be challenged upon a closer investigation of the detailed process. For one, the state was more strongly induced to probe societal interests than in previous decades. For example, Constantine Passaris points out that "Canadian private enterprise embarked on an active lobbying campaign to impress upon the Federal Government the need to open the doors of immigration, in an effort to supplement and complement Canada's domestic labour force with immigrant workers".[62] As mentioned earlier, the policy community was now formed on a more solid basis to defend and assert their interests. The state needed to appraise what the parties having stakes in various phases of immigration policy wanted; otherwise the state would have been forced to face a discrediting defeat.

V. The Sponsorship Question

The most devastating blow to the statist model is the state's treatment of the sponsorship problem. Hawkins writes the following:

> The sponsored movement, that is, the movement of relatives and quasi-relatives, has played a very important role in Canadian post-war immigration and has been a source of greater anxiety - perhaps over-anxiety -among those responsible for immigration policy and management.[63]

This is because this class of immigrants are always demand-driven, thus slipping away from the state's numerical or administrative control. In other words, they are not selected by the government but they and their sponsors exert a right to enter Canada for permanent settlement.

Although the public discussion on immigration policy seems to have centred on racial discrimination before 1962, the sponsored movement in fact raised vexing problems for Cabinet ministers and senior public servants who were afraid to place this touchy question before Parliament and the public. Whether it was real or boosted, the fear about the proportion of chain migration with view to Southern Europeans urged government policy-makers to work on this particular problem before it would become too late. This sense of apprehension was presumably enhanced by the long-standing view that the most desirable immigrants for Canada were from Britain and Northern European countries. Robert Harney writes that the Canadian government estimated with a note of terror that every Italian male labourer who entered Canada in the 1950's was responsible for forty-nine other Italian immigrants.[64] It was perceived that this incursion would drastically increase the dependency ratio of immigrants but also the percentage of Southern Europeans.

The first major public efforts to restrict unlimited sponsorship were made in 1959 to confine the admissible classes of relatives to the immediate family. Order-in-Council P.C. 1959-310 was revoked only a month later by Fairclough, Minister of Citizenship and Immigration, who faced a storm of protest from the Liberal Opposition, the Progressive Conservative government in Ontario, which was concerned with its standing among a large immigrant population,[65] the press, and some ethnic organizations.[66] The night Fairclough made a decision to ask the Cabinet to rescind this arduous Regulation, she was interviewed on television. She did not admit that there was anything wrong with the Order-in-council itself. She explained her decision as follows:

> But the thing became so badly misunderstood that it

> was impossible to work with it and accordingly I thought, in all kindness to everyone, because a great many people were misled and felt badly about it, it was better to rescind it.[67]

Hawkins comments on this incident by referring to a failure in diplomacy. It became inevitable for implementing an innovative immigration policy to bring the policy community into the policy-making process especially in this highly sensitive area of sponsorship.

> No attempt had been made to educate Parliament or the public in the real problems of the sponsored movement, particularly in relation to the very high rate of unemployment at that time. There was considerable secrecy surrounding the controversial order-in-council which does confirm the impression that it was hoped that no one would notice it. The order-in-council came into force on March 19, 1959. No publicity was given to it until April 1. As Mr. Pickersgill pointed out, it was not mentioned in the debate on departmental estimates.[68]

Fairclough did not sufficiently probe into the opinions of the non-state parties beforehand. She and responsible government officials were not well informed of the intended regulations' grave consequences on the lives of those who fortune would be affected by the measure, so great for them that instantly they made strong reactions to it.

This valuable lesson, which cost the P.C. government an embarrassment, was learned by the Liberal government, which initiated the second major effort to restrict the sponsored movement by publishing the White Paper on Canadian Immigration Policy in October, 1966. It was Lester B. Pearson, then Prime Minister, who took the initiative to prepare a White Paper. He wrote to René Tremblay, Minister of Citizenship and Immigration, in December, 1964, to do intensive and extensive work on a white paper as a matter of first priority.[69] This was prepared not only for consideration by Parliament but also for public attention and discussion, and generally focused on the way Canada's immigration policy should be conducted. C.M. Isbister, Deputy Minister of the Department, immediately responded to the Prime Minister's request and arranged for the necessary work to be started in the Immigration Division, well aware that this task was a great burden but a tremendous challenge to his Department.[70] Tremblay expected that the White Paper could be presented to Parliament by June, 1965, at the latest, even though various problems of breadth and complexities had to be dealt with.[71]

An outline of the sponsorship paper, which was prepared by the Director of Policy and Planning, was circulated with the first draft outline in January, 1965.[72]

A complete draft was approved by the Assistant Deputy Minister and the Deputy Minister on March 17th, and sent to the Minister on March 18th.[73] The general agreement among senior immigration policy-makers, reached in August, 1965, was that the privilege of sponsorship would be limited to Canadian citizens except for the immediate family. However, John R. Nicholson, the newly appointed Minister of Citizenship and Immigration, was rather reluctant to limit the sponsored classes in consideration of his party's political interests and the potential consequences of the measure.[74] This is easily understood from a suggestion made by the Deputy Minister to him.

> In my view a measure to deprive landed immigrants of existing sponsorship rights and to grant enlarged rights to citizens would arouse resentments and criticisms which could neither be answered nor withstood by the Government. The effects would be damaging to the Minister who put the measure forward. The citizenship requirements would be seen greatly to reduce the flow of sponsored immigrant workers from Europe for some years. At the same time it would substantially increase the flow of unqualified persons from other parts of the world. I do not believe these results would be accepted.[75]

Despite his interest in doing away with the remaining racial discrimination in the sponsorship right, Isbister was worried about the prospect of large numbers of coloured sponsored immigrants whose personal qualifications would give them little promise of successful establishment and eventual integration.

What came out of the meeting to discuss the White Paper among senior policy-makers, including the Minister and the Deputy Minister, in November, 1965, was the new tentative sponsorship policy which had three different classes, with the condition that only one of those, the immediate family, could sponsor their own relatives, in order to cut the chain migration which would grow like a mushroom. They agreed on the following points:

> (1) The Minister cannot get Parliament to agree to curtailment of the existing sponsorship privileges.
> (2) The Government is firmly committed to elimination of discrimination in the existing sponsorship classes against non-Europeans.
> (3) As a transitional measure the presently existing sponsorship privileges will be exercised for a further three years.
> (4) The Cabinet paper on sponsorship should clearly outline the risks and disadvantages of the new

> policy, including the anticipated increase in Asiatic immigration it will provoke.[76]

A meeting of the Cabinet Committee on Immigration Policy was held on November 25, 1965. It was attended by Nicholson, Pickersgill, the then Minister of Transport, MacEachen, Minister of Labour, Isbister, Curry, Beasley, Manion, and Tom Kent, from the Office of the Prime Minister, among others. Nicholson declared that sponsored immigration was the most difficult aspect of immigration policy as evidence showed that Canada faced a dilemma: a growing need for educated and skilled immigrants and an increasing number of sponsored immigrants not required to meet any standards of education or occupation.[77] Isbister said that the continuation of the existing immigration policy with regard to sponsorship privileges would see disastrous results. The tentative agreement was on limiting the privileges of sponsorship to bringing the immediate family only, with a suggestion of probing the opinion of the leaders of the Italian community, which was becoming the most powerful ethnic lobby.

Nicholson and Isbister were replaced by Jean Marchand and Tom Kent respectively when the Department of Manpower and Immigration was about to be established. According to Hawkins, both Marchand and Kent had very liberal views on immigration and became major forces in getting out the White Paper.[78] The sponsorship question continued to be the most sensitive item in the White Paper. Kent received a confidential assessment paper of the White Paper from his Assistant Deputy Minister.

> Our policy in this area will undoubtedly be attacked by the ethnic groups affected, particularly the Italians, Portuguese and Greeks. Members of Parliament relying upon ethnic support in their ridings, and many of whom have urged the broadening of sponsorship privileges, will oppose any curtailment. ... We may also expect that some persons who are not directly interested may seize upon this move to criticize and embarrass the government.[79]

It was appropriately pointed out that the failure of the previous effort in 1959 was due largely to the fact that the decision did not come to the public with any prior or adequate explanation about the persuading reasons for it.

Marchand gave an outline of the intended new policy on sponsored immigrants to the Cabinet. Aware of the conflict between the negative economic and manpower factors of the sponsored movement and its humanitarian nature, he proposed that the sponsorable classes of immigrants be revised on the principle of extending the classes to all relatives of comparable closeness irrespective of the geographic origin and of making sponsored immigration more consistent with manpower policy.[80] He proposed, as found in the final output of the White Paper, that the citizenship requirement remain for sponsoring distant families, along with the minimal education requirement.[81] Unlike his predecessor, Marchand did not apprehend much about the prospect of an increasing number of sponsored immigrants from Asia and Africa because all countries of origin would be treated alike. The skill content of immigration was considered absolutely more important than the skin-deep characteristics, for Canada had to compete on the world market to attract immigrants suitable to its manpower needs. The complete White Paper was submitted to the Cabinet for approval in October, 1966.[82] This should not have been a very difficult process, given that Marchand's recommendation, endorsed by the Cabinet Committees, had already received Cabinet approval.[83]

The White Paper was tabled in Parliament by Marchand, on October 14th. The White Paper, half of which was occupied with the sponsorship question, presented a plan that all immigrants could sponsor their immediate family, with a bonus given to Canadian citizens to bring a wider range of relatives with at least seven years' schooling. The rationale behind this arrangement was stated as follows:

> If citizenship is a condition for sponsoring non-dependent relatives, the sponsored movement will lose its potential for explosive growth. If each successive link in the chain requires five years to forge - while the immigrant becomes a citizen before he becomes a sponsor - we will not continue to face the dilemma that unskilled workers may be an increasing part of the immigration movement although the proportion of jobs which require little education or skill is declining.[84]

Although this proposal for control of the sponsored movement was more generous than the one contained in the Sedgwick Report, it did not receive a favourable treatment at the Special Joint Committee of the Senate and the House of Commons appointed to examine the White Paper.

The Committee held thirty-seven meetings across Canada and received forty-six briefs and presentations from various organizations and individuals interested in immigration policy.[85] As the sponsored component of the immigration flow originated largely from Southern and Eastern Europe, the briefs submitted were biased toward these seriously affected groups. Pressure groups, as a general rule, tend to be primarily preoccupied with their own short-term interests. This was the case in the Committee's meetings.[86] In addition, the groups involved were elitist in the sense that their rank-and-file members' involvement was limited in the opinion-making process, except the Canadian

Congress of Labour, which had sought participation below the executive level.

> Sadly, more than 85% of all the briefs received the views of about 60 people. ... The academic community provided no input or expertise to the Committee on sociological and economic aspects of immigration. Indeed, this is a major criticism of the Committee which failed to seek the views of demographic and other impartial experts which might have placed the information received in proper perspective.[87]

In any case, a utilitarian value attached to citizenship in sponsorship was found to be repugnant by many people. For example, the Canadian Congress of Labour presented its view as follows:

> It is also proposed to require Canadian citizenship and five years residence as conditions for sponsorship with regard to certain categories of relatives. The Congress considers that these limitations are undesirable and in any event artificial.[88]

Only five groups (Social Planning Council of Toronto, Negro Citizenship Association, International Institute of Metropolitan Toronto, Ontario Welfare Council, and Canadian Hungarian Federation), which were in a sense an odd alliance, responded more or less favourably to the White Paper's proposal about sponsored immigrants.[89]

As a result of the generally unfavourable reaction of the Joint Committee, the Department of Manpower and Immigration had to amend this part of the White Paper before the 1967 Regulations were issued. Hawkins informs us that this was about all the Committee did in its entire operation.[90] A special Task Force of four senior immigration officials was appointed within the Department by Kent to devise admission categories of sponsored immigrants.[91] Thus, a new category of nominated relatives was invented, so that non-dependent relatives would be admitted subject to control based on economic conditions in Canada. The Joint Committee endorsed the new selection system assessing intended immigrants in numerical terms and the three categories of immigrants on April 18, 1967.

This series of events regarding sponsorship gives us a clear test case of what Eric A. Nordlinger calls a Type 1 state-society relationship and obviously the state's preferences could not prevail in the face of differing societal interests held by powerful societal groups.[92] The state had to act in accordance with well-articulated societal interests, despite its clear preferences for restricting the sponsored proportion in the total immigration intake. The state had become a steering force in formulating immigration policy, acting to preserve and promote the interests of societal actors concerned with the issue.

VI. The Abiding Rivalry between Immigration and Labour

It is also evident that these policy changes were not brought about by a monolithic state which acted independently from civil society. Different bureaucratic units had their own interests linked with their respective clienteles. Thus, the lead agency of Immigration could not monopolize this issue area. There also existed the considerable interests which asked for a planned immigration policy more accurately reflecting labour needs. M.J. Coldwell argued that Canada's haphazard, uncertain, and confused immigration policy lay in "a noticeable lack of co-operation between the Immigration and Labour Departments of the Federal Government in handling the immigration problem".[93]

Although organized Labour in Canada regarded immigration more or less as something less than a blessing, its position was not one of rigid opposition. The Canadian Congress of Labour considered immigration as necessary, even desirable, provided that it was "properly co-ordinated with and integrated into Canada's social and economic needs".[94] Organized Labour saw unemployment and housing shortages, and overtaxed or inadequate social services as being closely related to the subject of immigration, not because it thought that immigration *per se* caused those problems but because such problems were serious threats to the well-being of all Canadians, including immigrants.[95] Thus, albeit opposed to immigration on a large scale, organized Labour was concerned with the welfare of individual immigrants, a large number of whom became fellow workers.

The great supporters of immigration were traditionally the employers such as the transcontinental railways, the exploiters of mines and forests, and the up-and-coming manufacturers.[96] Canadian business recognized not only immigration's short-term interests for industry and agriculture but long-term needs for a larger population to maintain Canada's national identity and to provide a larger tax base.[97] Helen E. Stephens wrote in *The Canadian Banker*:

> ... we need an ever-increasing skilled working force to keep our progress rolling. The newcomers will also share the tax burden, enlarge our domestic markets, and put to further use our transportation services which at the time could serve a greatly enlarged population. Prosperity comes with good world conditions and the arrival of immigrants, with their families, contributes notably to the economic expansion which creates new

> employment and lays the basis for a growing population.[98]

Thus, business emphasized the number of immigrants to be admitted, even though it was not totally indifferent to the rise of unemployment caused by unplanned immigration. An unhealthy national economy would do harm to the business interest in the long run.

The ever-lasting competing relationship between the Department in charge of Immigration and the Department of Labour, which was touched upon in the previous chapter, was an important factor which induced the government to move into immigration policy where the stress was more on immigrants' economic repercussions. These two Departments had conflicting interests in that, on the whole, the Immigration Branch encouraged immigration while the Labour Department did not want immigrants more than sufficient for filling in vacant positions in the labour market. The Labour Department even sent their own officials abroad to better select immigrants.[99]

Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, reported on the situation in England, to his minister, Walter E. Harris, in the 1950's.

> In many instances prospective immigrants were encouraged by Immigration and discouraged by Labour. There were continuous complaints that two Governments were dealing with immigration in the United Kingdom, which was causing confusion to transportation companies and other organizations interested in immigration, as well as to prospective immigrants.[100]

Fortier thought it essential to have Labour Department officers having a knowledge of labour conditions in Canada attached to the immigration mission abroad, but with a proviso that these Labour officers function under the control of Immigration. It was regarded as a good way of conducting immigration administration that immigrants proceeding to Canada to seek employment receive advice from Labour officials concerning employment conditions in the various provinces and districts before leaving their home countries and have the advantage of a job placement service from the National Employment offices on their arrival in Canada.

Fortier wrote to Arthur MacNamara, Deputy Minister of the Department of Labour, to clarify the functions and actual operations of the Settlement Service of the Immigration Branch. According to Fortier, the Immigration Branch had the primary responsibility over the selection, direction, and settlement of immigrant settlers, while the National Employment Service should be concerned mainly with the employment of Canadian labour and should play a subordinate role in that of immigrant labour.[101] On the other hand, MacNamara did not like the Immigration Branch's encroachment upon the field of the National Employment Service, that is, placement.[102][103] The Director of the Immigration Branch argued as follows:

> The difference between the purely Immigration and the purely Labour viewpoint are serious but with active co-operation a useful job can be done. Labour wishes to move workers as one would import goods; Immigration is concerned with the movement of humans who will become good citizens. The Labour view is short range while Immigration must look for its effective results in the future. If Immigration is divorced from the placement of immigrants then we must forget our concern with population growth and confine our activities to policing the border. ... there is little to fear from the charge that the Immigration Branch is competing with the National Employment Service since we each have separate fields of operation which are complementary and not conflicting.[104]

The disagreement between the two Departments went on throughout the 1950's. Michael Starr, Minister of Labour, had a firm view that the National Employment Service should be solely responsible for the placement of immigrants in employment.[105] Fairclough, Minister of Citizenship and Immigration, replied to her counterpart as below.

> Initial placement is an essential part of the reception of the immigrant, who is in need of services which are not generally provided to other Canadian residents through a government agency. For the first months in Canada immigrants require special assistance and guidance not only in finding employment but in locating temporary accommodation; ... . It is important for the immigrants to know that they have a service of the Government to turn to in time of need ... and it would create confusion, disappointment and hardship if upon arrival they had to consult with several of the agencies of governments in Canada.[106]

It was the policy of the Department of Citizenship and Immigration not to accept responsibility for the place of immigrants who have been in Canada for more than a year, but for the welfare, financial need, and medical care of the immigrants during the initial twelve months following their arrival in Canada.

This kind of jurisdictional disputes over the immigrant placement did not end until the birth of the

Department of Manpower and Immigration in 1966. The traditional Labour concept backed up by its clienteles was that immigrants would take jobs, while the Immigration Branch felt that qualified immigrants would create jobs.[107] The constant attempt of the Department of Citizenship and Immigration to keep the immigrant placement in its control in competition with the Department of Labour had an impact on the move to immigration policy with more stress on employability of immigrants as the basis for selection. In turn, the marriage between the two fighting camps led to a further emphasis on the economic factor as a criterion of immigrant selection. The policy community in the immigration area was formed around the dynamic and complex relationships among sub-units of the state and various societal actors.

VII. Societal Forces for Abolition of Racial Discrimination

Although Hawkins minimizes the influence which pressure groups exerted on senior decision-makers with regard to the 1962 Regulations, it is not difficult at all to discover pieces of evidence to cast some doubt on her state-centric view of Canadian immigration policy-making. In fact, diverse groups acted on the government to change Canada's racist immigration policy, which virtually barred the entry of independent immigrants from non-white countries. Although it is not conclusive, there may be some relationships between their rising sense of pride in Canadian society and a larger place occupied by non-white states in international society.

The Canadian Association for the Advancement of Coloured Peoples appealed to Fairclough to speak on behalf of blacks living in Canada to get rid of discrimination against their race's immigration.

> ... this Association has come to believe that The Honour(*sic*) Member is earnestly trying to correct these injustices wherever they are found, and because it is the declared intention and policy of this Association to avoid any public demonstration against these subtle methods of discrimination against our people, we are endeavouring to bring about a change of these regulations without fanfare, but again we wish to invite the attention of The Honourable Member to the resentment of the Coloured community.[108]

The National Japanese Canadian Citizens Association, which was founded by a conference of representatives of various Japanese Canadian organizations across Canada in 1947 to protect their shared interests, made a submission to Fairclough in order to make complaints about the existing Canadian policy on humanitarian grounds.[109] What this association demanded was not an open-door policy, which might bring about a flood of coloured immigrants to change the fundamental ethnic composition of the Canadian population, but to make just and proper consideration on the principle of compassion for the separated relatives who could not join their families living in Canada. Fairclough also had to face the efforts of the Chinese Canadian Association, which had been set up to promote welfare and citizenship among Canadian citizens of Chinese origin, to coordinate their various group activities and in turn to interpret them to other Canadians, to amend the racially discriminating immigration policy with special reference to family reunion.

Along with these so-called visible minorities' associations, for whom their interests in sponsorship were most seriously at stake, organized Labour, referred to earlier, and humanitarian groups, represented by the church, were opposed to racial discrimination in Canadian immigration policy. The Canadian Congress of Labour declared itself against discrimination on grounds of race, nationality, creed or colour.[110] This indicated that this democratically organized club's members' attitudes to racially restrictive immigration had changed since the immediate post-war period. On the other hand, employers had always paid little attention to the colour of immigrants as long as they were economically viable as workers and consumers. As for humanitarian groups, the Church of England proposed an idea that colour or race should not be of prime importance in Canada's immigrant selection.[111]

Fairclough received a letter from an M.P., who had been working with a group of fellows most interested in a gradual change in the immigration laws about Oriental people, that is, East Asians.

> The world is embarking on a new era of international negotiations aimed at understanding, and co-existence of opposing cultures, as a solution to the grievances which have in the past led to wars. We cannot speak as a nation with sincerity and force in such matters if we continue certain absolute discriminatory bars to people of particular races and color. In Canada today we are witnessing a rapid integration into Canadian society of many Orientals who, because they have had the opportunity to obtain some degree of education in Canada, are taking increasing responsibility in political, professional, business, community, and social affairs in Canada. ... The present government has gained wide support for its reluctance to represent special interests and as a government which respects fundamental human freedoms as evidenced by the advocation of the Bill of Rights. It is respectfully submitted that we, as Canadians, should restrict those

> discriminatory aspects of our immigration policy as much as possible.[112]

He saw a good pool of desirable immigrants in Oriental countries such as China, Japan, Hong Kong, and Korea in terms of their utility in Canadian employment system and of their likeliness to integrate with Canadians.

Fairclough suggested at a meeting of the Cabinet Committee on Immigration held on July 29, 1958, that it should consider the question of immigration from China and Japan and informed the Committee members present, such as Fulton, Minister of Justice, MacLean, Minister of Fisheries, Starr, Minister of Labour, O'Hurley, Minister of Defense Production, Fortier, Deputy Minister of the Department of Citizenship and Immigration, and C.E.S. Smith, Director of the Immigration Branch, that the Chinese community in Canada had been exerting very strong pressure both directly and indirectly through Members of Parliament to have Chinese immigration placed on the same footing as European immigration.[113] This problem took such an unjustifiable portion of time and energy of the Department of Citizenship and Immigration that it was brought up to the Cabinet Committee as a matter of some urgency. However, no concrete, innovative change in Canadian policy toward the Chinese and the Japanese was recommended on this occasion, reserving the possibility of further changes at a later date.

At the next meeting of the Cabinet Committee, it was noted that the East Indian community in Canada, particularly in British Columbia, had been exerting pressure on the government to place immigrants from all Commonwealth countries on the same basis.[114] The Committee did not propose any fundamental change in Canadian policy toward the East Indians. The Committee also considered the question of immigration from the West Indies and confirmed that the actual policy of admitting only sponsored close relatives, domestic servants, and individual cases of merit should be continued for the time being, with the recommendation that consideration should be given to entering into an agreement with the West Indies, similar to the one with India.[115]

Fairclough proposed to the Cabinet that a Royal Commission on Immigration be set up to make the public aware of the difficulties inherent in the immigration administration, to give an opportunity to the public to express its opinion on immigration matters, to receive the public's suggestions and recommendations with regard to the classes of persons which Canada should seek as immigrants and their countries of origin, to obtain the public's views and recommendations with regard to the objective which the government should have concerning the number of immigrants to be taken in annually.[116] Her aim to make for a better immigration policy responsive to the public's views, opinions, and interests by appointing a Royal Commission was never realized, which was very characteristic of the Diefenbaker government. The task of formulating a new immigration policy was left in the hands of senior bureaucrats in the Department of Citizenship and Immigration. This explains the Tories' aforementioned blundering failure to consult the policy community in its handling of the sponsorship problem. Despite the rejection of a Royal Commission proposal, Fairclough was more or less assured that she could go ahead safely with the plan to abolish racial discrimination although she still had to take a cautious route to have it accepted by other important policy-makers.

C.E.S. Smith, Assistant to the Deputy Minister, was a chief draughtsman, perhaps because George F. Davidson, Deputy Minister, and W.R. Baskerville, Director of the Immigration Branch, were both new appointees. The Cabinet earlier approved two of Fairclough's recommendations.

> (1) For economic, political and moral reasons, Canada must accept a substantial flow of immigrants.
> (2) The Department of Citizenship and Immigration will be given the authority to proceed with a programme designed to bring to Canada suitable, desirable and adaptable immigrants who will be of economic benefit to Canada, who will be able to establish themselves in Canadian social, cultural, political and economic life without undue hardship to themselves or hardship and dislocation to the Canadian communities in which they will settle.[117]

This Cabinet decision in April, 1960, gave a green light to Smith and other immigration officials to break off the racial distinctions which had been such an important part of immigration policy since King's statement in May, 1947, and to carry out an immigration programme based on the personal qualities of individual applicants.

Thus, Corbett's explanation of the 1962 Regulations with an excessive stress on Davidson's personality and world view is not very accurate. Smith wrote to Fairclough as follows:

> When you asked that a draft statement be prepared for your use, describing a policy which was different in some way from the former one, it was felt that emphasis should be placed on this point; in other words, that universal selection standards based on objective criteria were to replace racial distinctions in immigration policy. Although you have suggested that the reference to race and colour be removed from the draft statement, I note that you did not object to such references as "the universal application of selection standards" ...

.[118]

Smith left the final decision to adopt the idea of the elimination of all racial discrimination from Canada's immigration policy and of the establishment of selection standards which would be applicable to all intending immigrants irrespective of race or nationality to Fairclough. After receiving a confidential memorandum from Smith, Fairclough made a speech on Canadian immigration policy in the House of Commons on June 9, 1960. She did not explicitly dwell on the elimination of racial discrimination at all, but presented the direction in which Canadian immigration policy should move in general terms.

> The key to our immigration policy will be the consistent application of proper selection standards designed to bring the best possible settlers to Canada. I am sure all Canadians would agree that once these standards are established they should be applied consistently to all who seek admission to this country, ...[119]

She deliberately avoided the terms 'universal', 'global' and 'world-wide', but chose the word 'consistent'. Pickersgill, shadow minister of immigration, mocked this vague, general statement, which promised no substantial change. However, it is apparent that Fairclough had the abolition of racial discrimination on her mind in spite of no open reference to it, given the correspondence between her and Smith.

After this public appearance, Fairclough worked on a draft of new regulations to replace the immigrant's country of origin and the colour of his or her skin with skills and education as the selection factors. She gave an outline of the government thinking on January 27, 1961. It is reported as follows:

> Fifty years ago, she remarked, it had been proper for Canada to welcome anyone with health and intelligence, irrespective of his skills. It was taken for granted that anyone healthy and willing could find a job. That day was gone. ... There is no indication of whether, ever again, there will be opportunity here for the uneducated or unskilled, black, brown or white. The unskilled English-man will be, officially, no more welcome than the unskilled black African. The immigrant with skills, from Alabama or Zanzibar, officially, will be equally welcome to help the building of a nation.[120]

Fairclough presented a draft in the Cabinet Committee on Immigration Policy on August 21, 1961.[121] The draft regulations clearly sought to remove discrimination based on race or colour from the immigration legislation and also to scratch brothers and sisters from the list of admissible of close relatives.

When Fairclough announced the new Regulations in Parliament on January 19, 1962, Pickersgill did not regard them as a radical change in Canadian immigration policy. All former Immigration Ministers, including Pickersgill himself, had denied that having a set of preferred classes of immigrants meant racial discrimination. For Pickersgill, the words 'discrimination' and 'selection' meant precisely the same thing.[122]

> The hon. lady is well aware, as she has said previously in the house, there is in the existing regulations no racial or other similar discrimination, and I am glad there is not going to be any such discrimination now. But I suggest that what the hon. lady had done is to make it necessary to look at every individual case and compare it with every other case, and that, by abolishing some of the convenient general categories she is going to create an administrative problem that it will be absolutely impossible to cope with if we are to have any substantial immigration.[123]

He was apparently quibbling with a series of meaningless words not to give any credit to the government.

At a later date, an Opposition member criticized the government, by admitting this time that it was the greatest change since King's Parliamentary speech in 1947, for the reason that it came into effect with no debate or approval in Parliament. He said:

> The reason why such a fundamental change of policy could be made without parliament's approval is that the real control over immigration has always been at the Cabinet's discretion. The Immigration Act in practice leaves the government free to do almost anything it wants.[124]

Did the author of King's statement forget how it was made and which government enacted the existing immigration act, which gave free hands to the reigning government? In any case, it was Davidson who advised Fairclough that they did not really need to draft a new act and that they could attain their objective by means of regulations.[125]

The state-society relationship worked in the manner that societal groups exerted some influence on the state's senior decision-makers, especially because the state learned a valuable lesson as a result of its earlier proposal.[126] The immigration policy community grew larger and stronger over the previous two decades since the War that the government could no longer avoid interacting with societal interests. Immigration, while usually seen as a mundane government activity for the purpose of national development, nonetheless had an explosive nature if mishandled. The latter character of the issue area became much more conspicuous than before especially because more societal interests were mobilized by various groups to present a significant political threat to the state.

VIII. The Search for an Objective Standard of Selection

A broad outline of selection criteria did exist in the 1950's because some sort of standard of judgement was needed for on-line immigration officers to choose the right type of immigrants for Canada. As a matter of course, this applied only to non-sponsored immigrants subject to selection by Canadian officials. Although it was Canada's policy to increase the population while meeting the specific labour needs and developing opportunities, Canada's immigration programme and its execution had four main weaknesses: 1)lack of selection criteria that were objective, 2)lack of control by occupation over numbers admitted, 3)selection by clerical procedures without reference to labour supply and demand by occupation, and 4)lack of positive counselling of immigrants.[127]

Correction of these major weaknesses would lead to the desired degree of objectivity and provide useful information for intended unsponsored immigrants. It was proposed that the general supply and demand in Canada for each occupation should be a determining factor in admitting immigrant workers.[128] This supposedly objective basis of selection was not operationalized in numerical terms, although various measurable standards such as competence in an occupation and licensing requirements were pointed out as a sound basis for judgement regardless of the country of origin. It was suggested that the admission of sponsored immigrants for whom there is a demand in Canada's labour market should be processed before admitting those not needed occupationally, although it was never put into action.[129]

The idea of devising some kind of score card was born in 1961 to assess the merits of individual applicants more objectively. E.P. Beasley, Acting Director of the Immigration Branch, wrote to the Chief of Operation as below.

> It would seem that possibly we might come up with something along the lines of the format used by Promotional Rating Boards where individual marks or points are alloted(*sic*) for various factors ... .
> ... A pre determined standard could then be set and if an applicant was rated at or above this standard, he could be considered as a good prospect

> for migration.[130]

The genesis of the points system, which came into being in the 1967 Regulations, was already apparent at this early date in the bureaucracy.

Officials in the Settlement Division had two opposing opinions on the idea of a score card as follows:

> (1) The one opinion is that a score card or rating formula can not possibly take the place of the training counselling officers personal selection - on the basis of personal suitability and adaptability plus information of trades training, experience and academic attainment.
> (2) The other opinion is definitely in favour of a "score card" believing that a "score card" can be developed after considerable research and thought which will provide a fair standard for selection.[131]

D.M. Sloan, General Executive Assistant, made a precise comment while praising the work done for preparing the draft forms.

> A simple card like one of the ones proposed would be quite adequate if it is intended to have them used only by our own staff; however, if they are to be used by External Affairs or the British to enable us to make world-wide selection under the new Regulations then I do not think they are good enough.[132]

The use of the score cards and the experience held by the Immigration staff would go together to complement each other for a better immigrant selection, while the sample score cards prepared should be much more sophisticated for the use by someone inexperienced in immigration.

W.R. Baskerville, Director of the Immigration Branch, in consultation with Sloan, recommended to Davidson, Deputy Minister, that a score card not be included in the 1962 Regulations, for the reason that it seemed impossible to reduce subtle judgements required in immigration selection to a mere paper system.[133] However, he proposed that the new regulations should have some codified selection standards because:

> (a) Selection of unsponsored immigrants, to some extent, will be done by persons other than our own trained staff. If we expect External Affairs or Trade and Commerce officers to perform any part of the selection process, we must give them the means to do so.

> (b) The new regulations will require us, in some cases, to justify our selection, particularly in the case of non-dependent sponsored cases who are required to meet the general selection criteria. Only by producing something like the proposed score card can we convince anyone that our criteria are really objective.[134]

Thus, an assessment sheet was used by immigrant selecting officers in administration that was not available to the public.

Beasley, the then Chief of the Admissions Division, gave a memorandum to R.B. Curry, new Director of the Immigration Branch, to acquaint him with the selection criteria for various immigrants and, in particular, unsponsored immigrants.[135] Beasley, who became the Director of Policy and Planning, kept working on establishing more uniform and objective selection. Curry, Assistant Deputy Minister (Immigration), circulated copies of a discussion paper dealing with the criteria and procedures for the selection of unsponsored immigrants among senior policy-makers. The contrasting views introduced earlier were compromised in this paper.

> Ideally the selection of immigrants would be carried out by top-flight professional personnel selection officers located in adequate numbers in every country of the world ... . The other extreme would be a mechanical selection system based only on factors to which unit values could be assigned ... . We have accordingly preferred to take a position between the two extremes based on the best thinking available to us on the basis of experience over the past twenty years and the ideas of noted experts in related fields outside the Department.[136]

This intermediate position was finally taken in the first publicized points system realized in the 1967 Regulations.

Although every factor involved judgement of the immigration officer, it was the category of personal suitability that raised the most serious question of subjectivity because the assessment of one person by another was necessarily a highly subjective activity. Each of the terms used in the Regulations to delineate the personal assessment factor was taken to imply the following:[137]

> (a) Adaptability is how well a person adjusts to change.
> (b) Motivation is what drives a person.
> (c) Initiative is the self-generated action of a person to begin or accomplish something.
> (d) Resourcefulness is how adept a person is at

> making positive, practical use of the resources available to him (or her).
> (e) Other personal qualities as a measure of the personal suitability of a person to establish himself (or herself) in Canada.

As any set of rules, however objective they are established to be, they can only be guidelines to use with discretion by every selection officer, the skill of the interviewer, his or her knowledge of human attitudes and behaviour, and the quality of his or her judgement have much to do with the standards of assessment in the immigrant selection.

Although no dominant societal groups caused the state to set up a points system itself, in the political community it was widely thought to be ideal to have been presented with some sort of selection system transparent to potential immigrants. The particular idea of a points system came out of the state's interest in more efficient administration. There was an internally-generated interest inside the state to adopt a points system, which was very unique in the world at that time. Consequentially, society at large would be relieved of pains derived from any too arbitrary decision with a new system. The points system had the effect of demonstrating Canada's immigration selection standard in unambiguous terms to interested non-state parties and also even to international society.

IX. Conclusion

The 1960's saw very radical changes in Canadian immigration policy from the previous decades. Canada departed from a racially discriminatory policy to a policy with a strong stress on the economic benefits immigrants bring in. Passaris pertinently writes the following:

> Like an octopus reaching out with its tentacles for its life sustaining food, Canada's immigration programme reached out to Asia, Africa, the Caribbean islands and Latin America for immigrant workers that were an essential feature of this country's economic lifeblood.[138]

To lessen the possibility of partial judgement in immigrant selection, a points system based on objective factors was publicized to the public. A new class of nominated relatives was established to have a reasonable balance between independent immigrants whose qualifications are scrutinized by selection officials and sponsored ones who can be admitted to Canada on demand because of their relationships with the former or already settled Canadian citizens and permanent residents.

In a state-centric view, these changes are explained by focusing on the concept of national interest perceived by the senior policy-makers who constitute the state. However, upon a closer investigation, the state was not a monolithic entity acting freely from societal interests in doing away with racial discrimination in immigrant selection and in recruiting immigrants with high skills and education. Civil society at large was, as usual, rather negative to any active immigration programme in general.[139] Although it did not form any strong orientation in terms of public attitudes vis-à-vis coloured immigration, there arose better organized groups which spoke for liberalizing restriction based on races.

Societal interests seriously at stake in immigration policy were never negligible during this period because the policy community was developed well enough for them to articulate their interests. The Tory government initially experienced a decisive defeat in the face of powerful societal groups by mishandling the sponsorship question. The state did not sufficiently realize how powerful the resistance of these groups could be if their vital interests were negatively affected.[140] This changed the style of politics in this policy sector. The White Paper was prepared by the Liberal government which followed to solicit the public's reaction to a tentative governmental policy plan which would affect sponsorship prior to its formal implementation.

Moreover, the state could not be taken as a unified actor, given the divergent interests between Immigration and Labour. The state was not embodied solely in the Department in charge of Immigration. Jurisdictional conflicts over immigration between the Department of Citizenship and Immigration and the Department of Labour over many years since the immediate post-war period were finally solved in these two bureaucratic units' merger into one department empowered with immigrants' promotion, selection, and admission along with recruitment and job training of everyone, which had as a consequence more emphasis on labour needs in immigrant selection. As Richard Simeon appropriately points out, change in governing structures can be seen in part as a process of institutionalizing interests.[141] This structural change with view to immigration was made in part because organizing interests made a case for it. Canada's immigration policy entered a new period with the foremost emphasis on the labour market.

Notes

1. National Archives of Canada [hereafter referred to as NAC], RG 76, Vol.29, File 653, pt.18, Memo from H.L. Keenleyside, Deputy Minister of the Department of Mines and Resources, to F.P. Varcoe, Deputy Minister of the Department of Justice, Mar.22, 1949.

2. NAC, RG 76, Vol.813, File 551-2, Memo from E.P. Beasley, Director of the Immigration Branch, to Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, Feb.8, 1960.

3. NAC, RG 76, Vol.854, File 554-6, pt.1, Letter from C.E.S. Smith, Commissioner of Immigration, to Jules Léger, Under-Secretary of State for External Affairs, Sept.21, 1955.

4. Department of Citizenship and Immigration [hereafter referred to as DCI], "Development of Canadian Law", Apr.1, 1963, p.10.

5. The close relatives to be sponsored included the husband, wife, and unmarried child under twenty-one years of age, the father over sixty-five, and the mother over sixty of a Canadian citizen residing in Canada. Cf. Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern*, 2nd ed., McGill-Queen's University Press, Kingston and Montreal, 1988, p.99.

6. NAC, RG 76, Vol.812, File 551-2, pt.4, Letter from Assistant Director, to Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, July 25, 1957.

7. NAC, RG 76, Vol.813, File 551-2, Statement Concerning Amendments to Section 20(d) and Section 21 of the Immigration Regulations.

8. DCI, Immigration Branch, *Canadian Immigration Policy*, Sept.1964, p.14.

9. Jean R. Burnet with Howard Palmer, *"Coming Canadians": An Introduction to a History of Canada's Peoples*, McClelland and Stewart, Toronto, 1988, pp.37-38. Vic Satzewich argues that this racialized policy against black people was built upon three racist assumptions.

> First, it was believed that black people, or people from tropical climates, were biologically incapable of adjusting to the Canadian climate. ... Second, it was believed that black people were

> unassimilable. ... And finally, as a corollary to the above, it was also believed that they would cause the emergence of a 'race relations' problem in the country.

Cf. Vic Satzewich, "Racism and Canadian Immigration Policy: The Government's View of Caribbean Migration, 1962-1966", *Canadian Ethnic Studies*, Vol.XXl, No.1, 1989, p.79.

10. Micheline Labelle, Serge Larose, and Victor Piché, "Politique d'immigration et immigration en provenance de la Caraibe anglophone au Canada et au Québec, 1900-1979", *Études ethniques au Canada*, Vol.XV, numéro 2, 1983, pp.8-9.

11. NAC, RG 76, Vol.245, File 165172, pt.15, Resolution by the Negro Citizenship Committee of Toronto, June 22, 1952.

12. DCI(1963), op.cit. p.1.

13. Constantine Passaris, *Absorptive Capacity and Canada's Post-War Immigration Policy*, Discussion Paper No.78/01, Public Sector Economics Research Centre, University of Leicester, Leicester, 1978, p.8.

14. Landing Requirements

Section 31. Landing in Canada is limited to persons who comply with all the requirements respecting landing in Canada set out in the Act and these Regulations and who come within one of the following classes:

> (a) a person who, by reason of his education, training, skills or other special qualifications, is likely to be able to establish himself successfully in Canada and who
>
> (i) has sufficient means of support to maintain himself in Canada until he has so established himself,
>
> (ii) has come to Canada, under arrangements made or approved by the Director, for placement in employment,
>
> (iii) has come to Canada, under arrangements made or approved by the Director, for establishment in a business, trade or profession, or in agriculture, or
>
> (iv) is the son, son-in-law, daughter or fiancé of a Canadian citizen who
>
> (A) resides in Canada, and
>
> (B) has applied for and is willing and able to provide care and maintenance for the

person, until the person has established himself successfully in Canada;

(b) a person who is the husband, wife or the unmarried son or daughter under twenty-one years of age of an individual who

(i) complies with the requirements of paragraph (a),

(ii) is accompanying the person to Canada, and

(iii) is willing and able to provide care and maintenance for the person until such person has established himself successfully in Canada;

(c) a person who is the parent, grandparent, husband, wife or fiancée, or the unmarried son or daughter under twenty-one years of age, of a Canadian citizen or of an individual legally admitted to Canada for permanent residence who

(i) is residing in Canada, and

(ii) has applied for and is willing and able to provide care and maintenance for the person until such person has established himself successfully in Canada; or

(d) a person who is a citizen of any country of Europe, including Turkey; or of any country of North, Central or South America or islands adjacent thereto; or of Egypt, Israel or Lebanon, if such person is:

(i) the son, daughter, brother or sister, as well as the husband or wife and the unmarried son or daughter under twenty-one years of age of any such son, daughter, brother or sister, as the case may be; or

(ii) the unmarried orphan nephew or niece under twenty-one years of age, or fiancé

of a Canadian citizen or of a person legally admitted to Canada for permanent residence, who is residing in Canada and who has applied for such person, and who is willing and able to provide care and maintenance for such person until he has established himself successfully in Canada.

15. David Corbett, "Canada's Immigration Policy, 1957-1962", *International Journal*, Vol.XVIII, No.2, Spring 1963, p.169.

16. NAC, RG 76, Vol.813, File 551-2, Statement Concerning Amendments to Section 20(d) and Section 21 of the Immigration Regulations.

17. Ibid.

18. DCI(1963), op.cit., p.8.

19. Ibid., p.7.

20. Freda Hawkins, "Canadian Immigration", *Race Today*, Vol.III, No.3, Mar.1971, p.89.

21. Howard Adelman, "Refugees and the Elections", *Refuge*, Vol.VIII, No.1, Oct.1988, p.2. See also William Rogers Brubaker(ed.), *Immigration and the Politics of Citizenship in Europe and North America*, University Press of America, Lanham, Maryland, 1989.

22. Joseph Kage, "The Recent Changes in Canadian Immigration Regulations", *The International Migration Review*, Vol.II, No.1, Fall 1967, pp.47-49.

23. William H. Angus, *Canadian Immigration Law, Policy and Process: Materials and Cases*, Prepared for distribution and use in the course on Immigration Law at Osgoode Hall Law School of York University, 1987, p.15.

24. Kage, op.cit., pp.48-49.

25. Ibid., p.49.

26. Angus, op.cit., p.16.

27. Louis Parai, "Canada's Immigration Policy, 1962-74", *International Migration Review*, Vol.IX, No.4, Winter 1975, p.459.

28. Freda Hawkins, "Canadian Immigration Policy and Management", *International Migration Review*, Vol.VIII, No.2, Summer 1974, p.144.

29. Constantine E. A. Passaris, "Absorptive Capacity and Canada's post-war Immigration Policy", *International Migration*, Vol.XVII, Nos.3/4, 1979, p.300.

30. Alan G. Green, *Immigration and the Postwar Canadian Economy*, Macmillan of Canada, Toronto, 1976, pp.42-43.

31. Martin Loney, "Canada's Immigration Policy", *Race Today*, Vol.III, No.9, Sept.1971, p.303.

32. Additionally, it is pointed out that the new selection method did not end the persistent practice of not treating women and men equally. See Ruth Fincher, Lois Foster, Wenona Giles and Valerie Preston, "Gender and Migration Policy", in

Howard Adelman, Allan Borowski, Meyer Burstein and Lois Foster(eds.), *Immigration and Refugee Policy: Australia and Canada Compared*, Volume I, Melbourne University Press, Carlton, Vic., 1994, Ch.6, pp.149-184. Therefore, women from Third World countries are doubly handicapped in their immigration to Canada. See, for example, Helen Ralston, "Immigration Policies and Practices: Their Impact on South Asian Women in Canada and Australia", *Australian-Canadian Studies*, Vol.XII, No.1, 1994, pp.1-47.

33. Christopher J. Wydrzynski, "Immigration Law: Ten Years of Increasing Pessimism", in Julio Menezes(ed.), *Decade of Adjustment: Legal Perspectives on Contemporary Social Issues*, Butterworths, Toronto, 1980, Issue 7, p.133.

34. Ibid., p.133.

35. Bernard Bonin, "Summary of Discussion", in Bernard Bonin(ed.), *Immigration: Policy-making Process and Results*, The Institute of Public Administration of Canada, Toronto, 1976, pp.24-25.

36. Parai, op.cit., p.451.

37. David Thomas, "How we keep out the Black and the Yellow", *Saturday Night*, Vol.LXXXVII, No.6, June 1972, p.12.

38. Parai, op.cit., p.455.

39. Ibid., p.461.

40. Ibid., p.463.

41. NAC, RG 76, Vol.724, File 551-25-6, Memo from E.P. Beasley, Director of Policy and Planning, to R.B. Curry, Assistant Deputy Minister of the Department of Manpower and Immigration (Immigration), Mar.1, 1966, Attached Paper, "Canada's Assisted Passage Scheme", pp.8-10. Also see Satzewich, op.cit., pp.77-97.

42. NAC, RG 76, Box 2, File 5001-10-4-1, Vol.1, Memo from Duncan R. Campbell, Assistant Deputy Minister, Strategic Planning & Research, to Richard M. Tait, Chairman, Canadian Immigration & Population Study, "Volume II - The Immigration Program", Apr.16, 1974; RG 76, Box 2, File 5001-11-6-1, Vol.3, Letter from Robert Andras, Minister of Manpower and Immigration, to Wilson A. Head, Associate Professor, Social Work, Atkinson College, York University, Downsview, Ont., May 9, 1975; Letter from Head to Andras, June 20, 1975; Letter from Andras to Head, Sept.5, 1975.

43. Loney, op.cit., p.303.

44. Thomas, op.cit., p.12.

45. Ibid., p.12.

46. Wydrzynski, op.cit., p.135.

47. Freda Hawkins, "Canada's Immigration Policy Re-examined", *Race Today*, Vol.III, No.11, Nov.1971, p.370.

48. Ibid., pp.370-371.

49. "Complaints of Immigrants from Asia", The Editorial, *The Ottawa Citizen*, June 27, 1966, p.6.

50. Hawkins(1971), op.cit., p.370.

51. Corbett, op.cit., pp.175-176.

52. Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, McGill-Queen's University Press, Kingston and Montreal, 1989, p.39.

53. L.W. St John-Jones, "Canadian Immigration", in T.E. Smith, *Commonwealth Migration: Flows and Policies*, The Macmillan Press, London and Basingstoke, 1981, Ch.3, pp.63-64.

54. See "Instead of kicking South Africa out let's take some Africans in - open Canada's doors to Negroes", The Editorial, *Maclean's*, Vol.LXXIII, No.11, May 21, 1960, p.4; Howard R. Rokeby-Thomas, "New challenge to Canadian immigration policy", *Canadian Commentator*, Vol.V, No.5, May 1961, pp.7-8; Geoffrey York, "South African issue split Diefenbaker cabinet", *The Globe and Mail*, Feb.1, 1992, p.A4. Alan C. Cairns argues along the same line on international influence on the Charter-making in Canada, although it is apparent in this more recent case that it is never the most important factor for bringing a Charter of Rights to Canadians. See Alan C. Cairns, *Charter versus Federalism: The Dilemma of Constitutional Reform*, McGill-Queen's University Press, Montreal and Kingston, 1992, Ch.1, pp.11-32.

55. Donald Gordon, "West Indian Immigration: Britain Puts the Pressure on Canada", *Saturday Night*, Vol.LXXVI, No.10, May 13, 1961, pp.37-38. Given the obvious fact that Britain sought help from white dominions for immigrants during the Ugandan refugee crisis in the 1970's, this is not a difficult interpretation.

For the detail of Britain's new restrictive policy, see Donald R. Gordon, "Playing Down the Color Bar", *Saturday Night*, Vol.LXXVII, No.13, June 23, 1962, pp.21-22; Dennis Dean, "The Conservative government and the 1961 Commonwealth

Immigration Act: the inside story", *Race & Class*, Vol.XXXV, No.2, Oct.-Dec.1993, pp.57-74.

56. When the New Zealand Institute of International Affairs requested the High Commissioners for Canada and Australia to speak on the problem of Asiatic immigration, both of the High Commissioners sent their junior staffs instead to the meeting with the suggestion that they should give only factual statements and not get involved int subsequent discussion. They were keenly aware that they might be placed in a position vulnerable to attacks from any left-wing members who had been outspoken in their criticism of racism. Cf. NAC, RG 76, Vol.854, File 554-6, pt.1, Letter from Alfred Rive, High Commissioner for Canada, Wellington, N.Z., to A.D.P. Heeney, Under-Secretary of State for External Affairs, May 29, 1951.
It is, however, quite ironic that New Zealand kept its racially discriminatory policy in a covert form longest of the four predominantly Anglo-Saxon immigrant countries. New Zealand could behave like a gentleman on the international scene precisely because it was inconsequential as a destination for the Asians interested in immigrating across the Ocean. See Sean Brawley, "'No "White Policy" in NZ': Fact and Fiction in New Zealand's Asian Immigration Record, 1946-1978", *The New Zealand Journal of History*, Vol.XXVII, No.1, Apr.1993, pp.16-36.

57. NAC, RG 26, Vol.126, File 3-33-2, pt.1, An Extract from the Editorial in *The Christchurch Press*, Oct.23, 1952.

58. *External Affairs*, Vol.XVIII, No.3, Mar.,1966, pp.131-132.

59. Hawkins(1971), op.cit., p.89.

60. Tom Kent, *A Public Purpose: An Experience of Liberal Opposition and Canadian Government*, McGill-Queen's University Press, Kingston and Montreal, 1988, p.243.

61. Ibid., p.411.

62. Constantine Passaris, "The Economic Determinants of Canada's Multicultural Immigration", *International Migration*, Vol.XXII, No.2, 1984, p.94.

63. Hawkins(1988), op.cit., p.47.

64. Robert F. Harney, "'So Great a Heritage as Ours' Immigration and the Survival of the Canadian Polity", *Daedalus: Journal of the American Academy of Arts and Sciences*, Vol.CXVII, No.4, Fall 1988, p.64.

65. Despite the shared nomenclature of the governing parties, the P.C. provincial government of Ontario acted as an effective pressure group to have the federal government rescind the announced action. This was typically symptomatic of the confederal nature of the Canadian political party system. Cf. Donald V. Smiley, *The Federal Condition in Canada*, McGraw-Hill Ryerson, Toronto and Montreal, 1987, Ch.5, pp.101-124.

66. Hawkins(1988), op.cit., p.6.

67. NAC, Lester B. Pearson Papers, MG 26, N2, Vol.78, CBC Television News, Apr.22, 1959 - 11:00.

68. Hawkins(1988), op.cit., p.124.

69. NAC, RG 76, Vol.723, File 551-25, pt.1, Letter from L.B. Pearson, Prime Minister, to René Tremblay, Minister of Citizenship and Immigration, Dec.30, 1964.

70. Ibid., Memo from C.M. Isbister, Deputy Minister of the Department of Citizenship and Immigration, to R. Tremblay, Minister of Citizenship and Immigration, Immigration White Paper, Jan.14, 1965.

71. Ibid., Letter from R. Tremblay, Minister of Citizenship and Immigration, to L.B. Pearson, Prime Minister, Jan.22, 1965. That this sponsorship question was regarded as difficult to handle was shown in the following writing:

> Migrant Sponsorship This is possibly our most difficult problem and should no doubt go to Cabinet for ultimate decision. The proposals in this paper are the product of intensive study and are strongly recommended by the Immigration Branch, and approved by Mr. Isbister. I feel that we are putting forward a formula which will enable the achievement of our objectives with a minimum of hardship or inconvenience for those concerned. No existing sponsorship privileges would be abruptly terminated. Instead, there would be a smooth and orderly transitional period in which existing privileges could be exhausted.

Cf. Ibid., Memo from R.B. Curry, Acting Deputy Minister of the Department of Citizenship and Immigration, to John R. Nicholson, Minister of Citizenship and Immigration, Mar.18, 1965.

72. Ibid., Memo from E.P. Beasley, Director of the Policy and Planning Division, to R.B. Curry, Assistant Deputy Minister (Immigration), Apr.12, 1965.

73. Ibid., White Paper Project Register, Situation as of May 12, 1965.

74. Ibid., Memo from R.B. Curry, Assistant Deputy Minister (Immigration), to C.M. Isbister, Deputy Minister of the Department of Citizenship and Immigration, Immigration White Paper, Oct.28, 1965.

75. NAC, RG 76, Vol.724, File 551-25-9, Letter from C.M. Isbister, Deputy Minister of the Department of Citizenship and Immigration, to John R. Nicholson, Minister of Citizenship and Immigration, Aug.30, 1965.

76. NAC, RG 76, Vol.723, File 551-25, pt.2, Memo for File, from J.L. Manion, Chief of the Policy and Planning Division, White Paper, Nov.22, 1965.

77. NAC, RG 26, Vol.164, File 3-18-1, pt.3, Memo from H. Cunliffe, Executive Assistant, to E.P. Beasley, Assistant Deputy Minister (Immigration), Jan.11, 1966.

78. Hawkins(1971), p.89.

79. NAC, RG 76, Vol.723, File 551-25, pt.2, Memo from R.B. Curry, Assistant Deputy Minister (Immigration), to Tom Kent, Deputy Minister of the Department of Citizenship and Immigration, Immigration White Paper Appreciation of Sensitive Points, Feb.15, 1966.

80. Ibid., Memorandum to Cabinet, from J. Marchand, Minister of Citizenship and Immigration, Admissible Classes and Security Screening of Immigrants, June 22, 1966.

81. Hawkins explains the situation as follows:

> In fact, the major objective of the White Paper was the legitimate and long-standing one of achieving a reasonable control over the sponsored movement, in the light of the increasing need for skilled manpower in Canada and the very real difficulties experienced by the unskilled in the Canadian labour market. The Deputy Minister had suggested that, among the solutions available, the restrictive factor most acceptable to the public might be that Canadian citizens should have a preference in sponsorship, thus creating a delaying factor in the sponsored stream.

Cf. Hawkins(1988), op.cit., p.160.

82. Ibid., Memorandum to Cabinet, from J. Marchand, Minister of Manpower and Immigration, White Paper on Immigration, Oct.3, 1966.

83. Ibid., D.J. Leach, Supervisor of Cabinet Documents, Record of Cabinet Decision, Meeting of July 12, 1966, Admissible Classes and Security Screening of Immigrants, July 14, 1966.

84. Department of Manpower and Immigration, White Paper, *Canadian Immigration Policy*, Ottawa, 1966, p.20.

85. Special Joint Committee of the Senate and the House of Commons, *Minutes and evidence of the Special Joint Committee of the Senate and the House of Commons on Immigration*, No.20, May 8, 1967, p.953.

86. NAC, RG 76, Vol.1002, File 5000-1, pt.2, Paper, "Interest Groups in Canadian Politics: Goals - Short-Term VS Long-term", p.20.

87. Ibid., pp.20-21.

88. NAC, RG 76, Vol.778, File 536-56, Canadian Labour Congress' Memorandum to the Government of Canada, Feb.8, 1967.

89. NAC, RG 76, Vol.723, File 551-25, pt.3, General Support for Particular Parts of White Paper.

90. Hawkins(1988), p.162.

91. Hawkins(1989), op.cit., p.39.

92. A similar victory for the elderly over the state is recorded in Canadian politics. See Elizabeth Riddell-Dixon and Gretta Riddell-Dixon, "Senior Advance, The Mulroney Government Retreats: Grey Power and the Reinstatement of Fully Indexed Pensions", in Robert J. Jackson, Doreen Jackson, and Nocolas Baxter-Moore(eds.), *Contemporary Canadian Politics: Readings and Notes*, Prentice-Hall Canada, Scarborough, Ont., 1987, Part III, Ch.6, pp.277-292.

93. M.J. Coldwell, "Canada's Immigration Policy", *The Canadian Unionist*, Vol.XXVII, No.9, Sept.1953, p.321.

94. Donald MacDonald, "Canadian Labour and Immigration", *The Canadian Unionist*, Vol.XXVII, No.12, Dec.1953, p.481.

95. Dave Archer, "Labour's Concern with Immigration", *Canadian Labour*, Vol.V, Nos.7, 8, July-Aug.1960, p.21.

96. MacDonald, op.cit., p.481.

97. Paul M. Roddick, "Immigration and the Canadian Employer", *The Business Quarterly*, Vol.XXI, No.1, Spring 1956, pp.53-55.

98. Helen E. Stephens, "Immigration", *The Canadian Banker*, Vol.LXIII, No.3, Winter 1956, p.106.

99. Harry Cunliffe, "The Liberalization of Immigration Policy From 1945 to 1956: An Insider's View", in Robert H. Keyserlingk(ed.), *Breaking Ground: The 1956 Hungarian Refugee Movement to Canada*, York Lanes Press, North York, Ont., 1993, Ch.2, p.17.

100. NAC, RG 76, Vol.810, File 550-7-1, pt.1, Memo from Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, to Walter E. Harris, Minister of Citizenship and Immigration, Re-Immigration-Labour Relations, Feb.2, 1950.

101. Ibid., Letter from Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, to Arthur MacNamara, Deputy Minister of the Department of Labour, Mar.30, 1950.

102. Ibid., Memo from J.E.M., Director of the Immigration Branch, to Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, Placement activities of the Immigration Branch - Co-operation with National Employment Service, May 25, 1951.

103. Ibid.

104. Ibid., Memo from Director of the Immigration Branch, to Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, Responsibility for Immigrant Placement, Sept.23, 1958.

105. Ibid., Letter from Ellen L. Fairclough, Minister of Citizenship and Immigration, to Michael Starr, Minister of Labour, Oct.30, 1958.

106. NAC, RG 76, Vol.810, File 550-7-1, pt.2, Memo from E.P. Beasley, Director of Policy and Planning, to R.B. Curry, Assistant Deputy Minister (Immigration) of the Department of Citizenship and Immigration, Placing Immigrant Workers in Employment, Mar.17, 1965.

107. NAC, RG 76, Vol.813, File 551-2, pt.5, Letter from Sydney A. Williams, Executive Secretary, Canadian Association for the Advancement of Coloured Peoples, to Ellen L. Fairclough, Minister of Citizenship and Immigration, July 2, 1960.

108. NAC, Lester B. Pearson Papers, MG 26, N2, Vol.78, Immigration, pt.1, Brief Submitted by the National Japanese Canadian Citizens Association, to Ellen L. Fairclough, Minister of Citizenship and Immigration, "In the Matter of Certain Cases of Relatives of Japanese Canadians Prevented from Reunion", July 19, 1960, pp.1-2, p.16.

109. NAC, RG 76, Vol.244, File 165172, pt.14, Letter from Norman S. Dowd, Executive Secretary, The Canadian Congress of Labour, to W.E. Harris, Minister of Citizenship and Immigration, Nov.14, 1951.

110. NAC, RG 76, Vol.244, File 165172, pt.13, Letter from Canon Judd, General Secretary, The Church of England in Canada, Toronto, to Walter E. Harris, Minister of Citizenship and Immigration, Oct.16, 1951.

111. NAC, RG 76, Vol.854, File 554-6, pt.1, Letter from Eldon Wooliams, M.P. for Bow River, to Ellen L. Fairclough, Minister of Citizenship and Immigration, Feb.19, 1960. Cairns points out the relationship between discriminatory treatments of citizens within Canada and racially restrictive immigration policy. Cf. Cairns, op.cit., pp.25-26.

112. NAC, RG 26, Vol.164, File 3-18-1, pt.3, Cabinet Committee on Immigration, July 29, 1958.

113. Ibid., Aug.9, 1958.

114. Ibid., Aug.11, 1958.

115. NAC, RG 26, Vol.164, File 3-15-8, Memorandum to the Cabinet, Royal Commission on Immigration, Ellen L. Fairclough, Minister of Citizenship and Immigration, Nov.30, 1959.

116. NAC, RG 76, Vol.1002, File 5000-1-3, Immigration - General Series Planning & Development of Immigration Policy, Memorandum to the Minister, C.E.S. Smith, Assistant to the Deputy Minister of the Department of Citizenship and Immigration, Re: Draft Statement on Immigration Policy, May 25, 1960.

117. Ibid.

118. House of Commons [hereafter referred to as HC], *Debates*, June 9, 1960, p.4713.

119. James McCook, "Skills Rather Than Skins New Immigration Test", *The Ottawa Journal*, Mar.25, 1961, p.6.

120. NAC, RG 26, Vol.164, File 3-18-1, pt.3, Cabinet Committee on Immigration Policy, Aug.21, 1961, p.6.

121. HC, *Debates*, Jan.19, 1962, p.11.

122. Ibid., p.11.

123. HC, *Debates*, Feb.27, 1962, p.1332.

124. Hawkins(1988), p.440.

125. The situation regarding discriminatory immigration policy was never what Nordlinger calls Type 1, which envisions a clear conflict between the state's national interests and civil society's interests. The policy community formed around the state and interested segments of society shared the view of what would be the best choice. In Type 3, there is no convergence between the preference of the state and those of society and the state can act totally free from any societal opposition. Although it is sometimes the case in Type 3 that societal interests are not well aggregated to work effectively as an impediment to the state's policy-making, this was not the case here. Cf. A. Paul Pross, *Group Politics and Public Policy*, Oxford University Press, Toronto, 1986, pp.6-8.

126. NAC, RG 76, Vol.809, File 548-16, pt.1, Memo from Selection and Analysis Section, to Head Placement Services, Selection of immigrant workers through improved opportunities analysis and priority processing, May 2, 1960.

127. Ibid.

128. Ibid.

129. Ibid., Memo from E.P. Beasley, Acting Director of the Immigration Branch, to Chief of the Operation Division, Processing of Unsponsored Immigrants, Sept.1, 1961.

130. Ibid., Memo from Acting Chief of the Settlement Division, to W.R. Baskerville, Director of the Immigration Branch, Processing of Unsponsored Immigrants - "Score Card", Nov.16, 1961.

131. Ibid., Memo from D.M. Sloan, General Executive Assistant, to W.R. Baskerville, Director of the Immigration Branch, Selection Assessment Card, Nov.17, 1961.

132. Ibid., Memo from W.R. Baskerville, Director of the Immigration Branch, to George F. Davidson, Deputy Minister of the Department of Citizenship and Immigration, Selection Assessment Card, Nov.21, 1961.

133. Ibid.

134. Ibid., Memo from E.P. Beasley, Chief of the Admissions Division, to R.B. Curry, Director of the Immigration Branch, Selection criteria for unsponsored immigrants, Apr.23, 1964.

135. NAC, RG 76, Vol.809, File 548-16, pt.2, Draft Paper, "Selection of Unsponsored Immigrants", Nov.7, 1966, pp.2-3.

136. NAC, RG 76, Vol.772, File 536-13, Memo from R.B. Curry, Assistant Deputy Minister (Immigration), to All Holders of the Immigration Manual, New Selection System - Personal Suitability, Feb.21, 1968.

137. Passaris, op.cit., p.94.

138. Nancy Tienhaara, *Canadian views on immigration and population: An analysis of post-war Gallup polls*, Canadian Immigration and Population study, Department of Manpower and Immigration, Ottawa, 1974, p.19, p.42.

139. A similar gaffe with an insufficient antecedent check is recorded in a recent tobacco case. The state was forced to rescind the export tax it implemented to preempt rampant smugglers's motives for profit-making. Cf. Ross Howard, "Threats derailed tobacco tax", *The Globe and Mail*, May 22, 1992, p.A1, p.A6.

140. Richard Simeon, "Studying Public Policy", *Canadian Journal of Political Science*, Vol.IX, No.4, Dec.1976, p.575.

CHAPTER FIVE The Making of the 1976 Immigration Act

I. Introduction

A liberal and universal immigration policy replaced a policy based on racial discrimination in the 1960's. This change in selection criteria was accompanied by the establishment of a totally independent Immigration Appeal Board, which could make final and binding decisions on sponsorship or deportation with no interference from the Department of Manpower and Immigration. It became more difficult for the administrative branch of the government to act unfairly and arbitrarily for efficient immigration management.[1] Individuals whose well-being was threatened by the state now would have a neutral place to resort to in order to have their grievances taken care of.[2]

As mentioned in the previous chapter, the state's search for an objective selection method, which was primarily designed for the lower-rank officers who fulfil the menial task of immigrant selection, as a side effect, appeased those who were apprehensive about their ability to immigrate and to bring in their kin because they came to know at least the publicized standard of assessment, not to speak of how it would be applied in each case. Those who aimed to sponsor their relatives and the permanent and temporary residents who risked being deported from Canada were all given a further boost and sense of security by the Appeal Board.

The decade of the seventies also saw the creation of a Canada Manpower and Immigration Council and four Advisory Boards on Adult Occupational Training, the Adjustment of Immigrants, the Coordination of Rehabilitation Services for Disabled Persons, and Manpower and Immigration Research.[3] While the primary function of the Council was to advise the Minister of Manpower and Immigration on all matters that concerned him or her, the Advisory Boards played a supporting role by reporting to the Council on anything related to their respective areas of responsibility.[4]

The Liberal government legislated a new immigration Act, which became badly needed to replace the outmoded Act of 1952. Freda Hawkins tells us that immigration, for the first time in the post-war period, moved higher on the national agenda because it became linked with the question of population growth and distribution.[5] She described the situation in rather pressing terms:

> Like Australia, Canada is also in a period of declining fertility, with a fertility rate now below the replacement level, and we also face the prospect - without immigration - of an ageing population not very far away.[6]

The Liberal government concluded that "steps should be taken now to develop a national consensus about longer-term population goals for Canada, goals which future immigration policy should be fashioned to support".[7]

The demographic objective was added to the existing economic, social, humanitarian, and ethical objectives of Canadian immigration policy. George Sanderson writes the following:

> Immigration must be viewed as a long-term investment that requires forward-looking, far-sighted economic and social planning, not to mention a substantial degree of co-operation among all-levels of government.[8]

Unlike some other countries, Canada had never maintained any ceiling or quota on the overall number of immigrants admitted in a single year, either globally or by country of citizenship, up until the 1970's.[9] More immigration planning, including the number of immigrants admitted, was conducted in this period of time in the context of a more broadly-framed future population projection. As a consequence, ideas such as a numerical control on the intake or long-term population among other goals were, for the first time, brought into the immigration debate.

Monica Boyd contrasts the U.S. management of immigrant entry geared for social control with the Canadian management designed for the economic development of Canada.[10] She supports this idea with concrete evidence of the presence of the numerical bar for newcomers to the U.S. and the absence of it for newcomers to Canada. Hawkins mentions that the question arose as to whether Canada did not need at least some kind of overall ceiling on annual immigration movement to prevent undue escalation of immigration into Canada.[11] Canada's immigration policy was to be less expansionary and involve more gate-keeping activities than had been the case during the 1960's.[12] At the same time, it was considered to be vitally important to bring the nation's desired future population size and age composition into consideration.

This immigration planning based on the country's long-range population projection came to involve an even larger number of societal and para-governmental actors whose interests would be seriously affected by changes in governmental policy than in the earlier 'tap on and off' periods. The process of consensus-making for longer-term objectives by nature made it imperative to incorporate even more diverse governmental and non-governmental interests. The matured policy community in this field was amply demonstrated in the very process of enacting a new immigration law.

II. Considerations of Immigration Patterns in the 1970's

As William L. Marr explicitly points out, the Immigration

Regulations of 1962 and 1967 were designed to affect primarily the occupational and secondarily the ethnic composition of Canadian immigration.[13] Then, the original purposes were fully attained with tangible results as the following passage demonstrates:

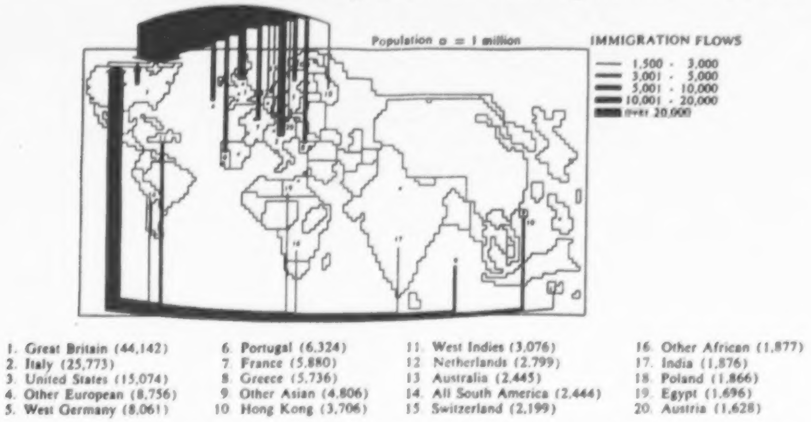
> During the 1946-1962 period, only 10% of the immigrants were destined to managerial or professional or technical occupations, while 30% were destined to primary or unskilled work. Obviously, a policy of bringing in unskilled and primary workers made little sense in an economy that was shifting rapidly away from primary occupations, and placing greater demands on human skills and ingenuity. Unemployment levels among the primary and unskilled workers were already high, and immigration of more of this kind of labour merely aggravated the situation. In 1972, however, under the new selection criteria, close to 33% of all immigrants were destined to higher skilled occupations, and only 6% were going to be primary or unskilled pursuits.[14]

Along with this change in the skill structure of Canadian immigration, the geographical (racial and ethnic) composition was altered in significant ways. The percentage of immigrants from non-traditional sources, that is, non-white immigrants, increased to a considerable degree.

> ... Canada is receiving an increasing number of immigrants from Asia and the Caribbean - 23 per cent of the total movement in 1969. Although the majority of immigrants still come from Europe, the percentage of European immigrants, including British, has fallen from 87 per cent in 1966 to 54 per cent in 1969 and this is likely to decline still further. In 1968, there was a significant overall decline of 20 per cent in the number of applications from Europe, and large increases in applications from Asia and the Caribbean.[15]

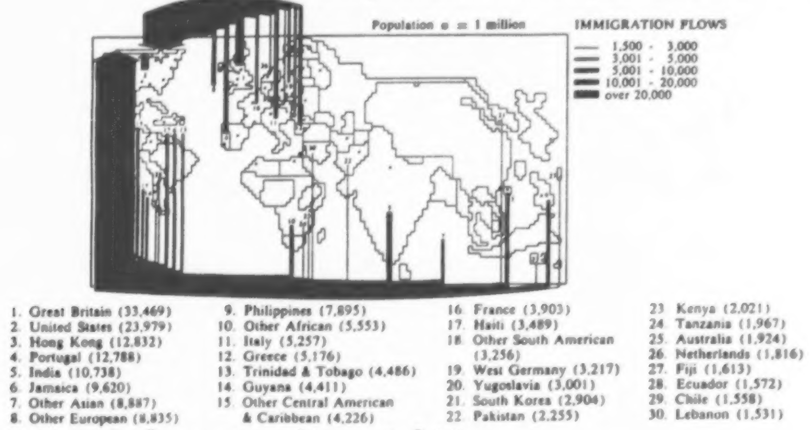
In the face of a conceivable allegation that the abolition of racial discrimination could be viewed as merely a compromise for the aim of lifting up the skill level of immigrants,[16] it was not very difficult to foresee a controversy arising about the racially changed character of Canadian immigration. In fact, a policy debate on this particular question became very active in the 1970's in reflection of the increasing number and volume of so-called 'visible minorities' in large metropolitan areas. John R. Wood, who carried out detailed research on East Indian immigration, argued that there was a white backlash against Third World immigration.[17]

Figure I World Population Distribution and Canadian Immigration Averages for 1964-66


Population o = 1 million
IMMIGRATION FLOWS
1,500 - 3,000
3,001 - 5,000
5,001 - 10,000
10,001 - 20,000
over 20,000
1. Great Britain (44,142)
2. Italy (25,773)
3. United States (15,074)
4. Other European (8,756)
5. West Germany (8,061)
6. Portugal (6,324)
7. France (5,880)
8. Greece (5,736)
9. Other Asian (4,806)
10. Hong Kong (3,706)
11. West Indies (3,076)
12. Netherlands (2,799)
13. Australia (2,445)
14. All South America (2,444)
15. Switzerland (2,199)
16. Other African (1,877)
17. India (1,876)
18. Poland (1,866)
19. Egypt (1,696)
20. Austria (1,628)

Source: Doreen M. Indra, "Changes in Canadian Immigration Patterns Over the Past Decade With Special Reference to Asia", in K. Victor Ujimoto and Gordon Hirabayashi(eds.), *Visible Minorities and Multiculturalism: Asians in Canada*, Butterworths, Toronto, 1980, Ch.11, p.166.

Figure II World Population Distribution and Canadian Immigration Averages for 1973-75


Population o = 1 million
IMMIGRATION FLOWS
1,500 - 3,000
3,001 - 5,000
5,001 - 10,000
10,001 - 20,000
over 20,000
1. Great Britain (33,469)
2. United States (23,979)
3. Hong Kong (12,832)
4. Portugal (12,788)
5. India (10,738)
6. Jamaica (9,620)
7. Other Asian (8,887)
8. Other European (8,835)
9. Philippines (7,895)
10. Other African (5,553)
11. Italy (5,257)
12. Greece (5,176)
13. Trinidad & Tobago (4,486)
14. Guyana (4,411)
15. Other Central American & Caribbean (4,226)
16. France (3,903)
17. Haiti (3,489)
18. Other South American (3,256)
19. West Germany (3,217)
20. Yugoslavia (3,001)
21. South Korea (2,904)
22. Pakistan (2,255)
23. Kenya (2,021)
24. Tanzania (1,967)
25. Australia (1,924)
26. Netherlands (1,816)
27. Fiji (1,613)
28. Ecuador (1,572)
29. Chile (1,558)
30. Lebanon (1,531)

Source: Indra, op.cit., p.169.

Douglas C. Nord, an American expert on immigration, compares the 'exclusionist' public attitude of the 1970's to that of the late 19th century.[18] According to him, the appearance of 'exclusionist' sentiments developed within the context of a pre-existing 'inclusionist' perspective, which had pervaded a new society for a number of years.[19] Canadians, along with Americans, experienced a major reversal in their attitudes and policies towards Asian immigrants, after the original receptive predilections to welcome European immigrants and, to a degree, even the less familiar Asian immigrants.[20] A vocal racist expressed his negative sentiment about the change of Canadian society: "We are not at home with people of a different color, nor they with us, and to pretend otherwise is a dangerous concept".[21]

Immigrants from Third World countries brought education and skills with them. Their increased number raised concerns about a potential brain drain of talent from the Third World to the First.[22] The brain drain question was among the major politico-economic issues in the North-South debate after major immigrant-receiving countries abolished the colour bar.[23] While internationalists supported the free international migration of high-level manpower at will, nationalists emphasized the detrimental effects of such movement on the underdeveloped economies. Whether this movement of skilled labour from the South to the North was ethically right or not, the empirical evidence demonstrated that Third World countries were in fact losing their costly investment in human beings to the developed part of the world. Swee-Hin Toh, in an analysis of the economic facets of immigration, concludes by various ways of measurement that Canada did benefit significantly from the Third World brain drain.[24]

Don Devoretz and Dennis Maki argue that even in the post-1967 expansionist period of immigration, an implicit global quota based on domestic vacancy rates in skilled manpower and discretionary policies, apparent in the distribution of immigration offices in foreign countries and in the changing weights given to various characteristics, helped control the absolute number of Third World immigrants.[25] This suggests that Canada gained from the Third World brain drain by selectively bringing in only the immigrants with the necessary skills to fill in the labour gap in Canada with no attention paid to the fortune of torrents of potential immigrants despairing of their plights.

Canada had traditionally been actively seeking a larger population "as a means of achieving economies of scale and also as a means of consolidating national sovereignty in a continent dominated demographically by the U.S.".[26] However, in previous decades the pattern of Canadian immigration was ruled predominantly by economic opportunities within Canada. This was a two-way relationship in that prospective immigrants assessed the Canadian labour market at the time of their decision to immigrate and immigration officials in turn consciously regulated the immigration flow in view of the labour market. Hawkins writes that the Department of Manpower and Immigration was increasingly concerned with two major issues: (1)manpower itself and the need to train and upgrade the Canadian labour force and (2)jobs and the problem of high unemployment.[27]

On the whole, Canadian immigration policy moved in the 1970's in the same direction as set in the 1960's. Canada sought more and more to achieve a good match between the flow of immigration and the needs of the Canadian labour market. On the other hand, the social (family union) and ethical (non-discrimination) objectives, already discussed in the previous chapter, were duly respected in harvesting economic benefits from immigration. Humanitarian (refugees) aspects, which will be dealt with in more detail in the next chapter, were finally engraved into Canada's immigration policy.

Johannes Overbeek points out that, despite the noble aspirations on multiple fronts, Canada had the real problem that the economic aims of immigration policy, apparently achieved for a short period of time as depicted in the above quotation, were being undermined, towards the late 1970s, by the social, humanitarian, and ethical objectives. In Overbeek's view, as a result of these latter objectives, the average age of the immigrants was increasing, the proportion of non-participants in the labour force was rising, and the high skill-content of the immigration flow was declining.[28]

Table II The Percentage of Total Immigration by Class

	Independent	Sponsored	Nominated
1968	55.5	20.8	23.7
1969	53.8	20.8	25.4
1970	54.1	21.9	24.0
1971	48.6	27.5	24.0
1972	47.3	27.1	25.6
1973	53.3	22.7	24.0
1974	50.4	25.2	24.4
1975	40.3	34.8	24.9
1976	32.7	41.0	26.2
1977	29.4	45.5	25.1

Source: William L. Marr, "Post-War Canadian Immigration Patterns", in Steven Globerman(ed.), *The Immigration Dilemma*, The Fraser Institute, Vancouver, Nov.1992, Ch.2, p.28.

Table III The Proportion of Immigrants Aged 50 and Over

	Percentage of Total Immigration
1970	7.4
1971	8.5
1972	8.9
1973	8.2
1974	8.2
1975	10.0
1976	12.5
1977	17.0
1978	17.1

Source: Johannes Overbeek, "The Economic Dilemma of Canadian Immigration: 1970-1980", *The American Review of Canadian Studies*, Vol.XIII, No.1, Spring 1983, p.113.

Table IV The Non-Workers' Ratio of Immigrants

	Non-Workers / Workers x 100
1970	90
1971	99
1972	105
1973	100
1974	106
1975	131
1976	143
1977	141
1978	145

Source: Overbeek, op.cit., p.112.

Table V The Youth and Old Age Dependency Ratio of Immigrants

	$\frac{\text{Population 0-14 + Population 60-}}{\text{Population 15-60(sic)}} \times 100$
1970	5.7
1971	6.9
1972	7.3
1973	6.0
1974	6.3
1975	9.0
1976	12.3
1977	14.2
1978	16.3

Source: Overbeek, op.cit., p.112.

Table VI The Ratio of Managers, Administrators, and Professionals

	Percentage of Total Immigration
1970	17.3
1971	16.2
1972	16.1
1973	13.3
1974	12.8
1975	13.0
1976	13.4
1977	13.1
1978	12.2

Source: Overbeek, op.cit., p.111.

These were the main concerns that provided the context for the debate on Canada's immigration policy in the 1970's. Rapid economic growth supporting and being supported by a high level of immigration in earlier decades gave way to sluggish growth and a more cautious approach to immigration policy. Immigration *per se* ceased to be regarded unconditionally as a virtue for Canada's national development. Both the quantity and quality of immigration became a controversial subject and resulted in a significant policy debate.

III. The New Immigration Measures

It may be useful to discuss a couple of important policy changes before examining the 1976 Immigration Act. It was made possible for prospective immigrants to apply for admission within Canada in 1967. This regulatory reform, introduced when more people were needed in a ballooning economy, increasingly undermined Canada's control of immigration because immigrants were able to arrive in Canada unannounced as short-term or long-term visitors.[29] The naive 1967 amendment allowed them to stay and claim permanent residency if they came to like the country after their arrival.[30]

Heward Grafftey informs us that the extent to which people in foreign lands were familiar with Canada's 'liberal' immigration laws caused real and large-scale exploitation of this convenient means of queue-jumping.[31]

> Visitors to Canada who decided they would like to be full-fledged Canadians could now apply for citizenship as landed immigrants and could take the point test here instead of in their homeland. Unlike those who applied from outside Canada, however, they could appeal if they were turned down. If the first appeal was denied, they could

> try again. Even the second rejection didn't always mean deportation. Appeals could be taken all the way to the Supreme Court of Canada.[32]

Given that applicants who applied through the Canadian immigration services abroad had no appeal if rejected, the new method of making applications for admission within Canada unquestionably became a popular choice for many people.

A wave of visitors who turned into landed immigrants threatened to swamp immigration officers who had to process their cases. Wydrzynski notes, "the backlog of appeals to the Immigration Appeal Board was approaching the 20,000 mark"[33] only in a matter of a few short years.

Table VII The Immigration Appeal Board Backlog

Jan. 1, 1969	200
Jan. 1, 1970	1,700
Jan. 1, 1971	4,750
Jan. 1, 1972	8,081
Jan. 1, 1973	11,875
June 1, 1974	17,472

Source: Office of the Minister, Manpower and Immigration, For release, June 18, 1973, 73-12, p.2.

Bryce Mackasey, Minister of Manpower and Immigration, stated the problem clearly.

> The result of our inability to cope with the large numbers who could not immediately be granted landed immigrant status has been a large build-up in backlogs at two levels of procedures, that is, in the immigration inquiry system and at the Immigration Appeal Board.[34]

He was keenly aware that the 1967 provision of Canada's immigration policy was being flagrantly abused, particularly by racketeers who took advantage of the innocence and gullibility of many citizens from many countries.[35] Thus, the arrangement which had permitted applications within Canada was withdrawn in late 1972 and the Immigration Appeal Board was amended to limit the right of appeal to four categories of persons in 1973.[36]

Immigration control became even more stringent, with the Non-Immigrant Entry Records and Employment Visa Regulations, requiring that "on and after January 1, 1973 all visitors must register on entry to Canada if they wish to stay more than three months", and that "anyone who is not a Canadian citizen or landed immigrant, must have an employment visa (work permit) before being admitted to Canada to take employment".[37] Norman Campbell argues that "there was criticism of allowing non-immigrant visitors to take jobs in Canada"[38] during the 1972 election campaign. This caused Robert Andras, the new Minister of Manpower and Immigration, to go further than his predecessor, Mackasey, who only suspended the right of visitors to apply for landed immigrant status. In announcing a new set of regulations affecting visitors to Canada, Andras said, "These new regulations will be beneficial to the Canadian economy by making more job opportunities available to Canadians."[39] Visitors would be able to obtain an employment visa solely outside Canada providing that no Canadian citizens or landed immigrants were found suitable for the job available.

Joseph Kage attacked the fundamental idea of the new regulations as below.

> The notion that immigrants take away jobs is a fallacy, disproven many times, yet recurring when certain difficulties arise and when, for expediency reasons, a scapegoat explanation is being sought.[40]

He argued strongly that the solution for the immigration mess did not lie in taking away the right of visitors to apply for landed immigrant status within Canada but in simplifying and speeding up the appeals procedure, and then petitioned Canadians' conscience as follows:

> Apart from the simple economics of immigration, one ought not to forget the Canadian ethos of tolerance and goodwill that has gone into shaping it. Ottawa seems to have shifted from this very spirit.[41]

A similar reasoning was to be encountered fifteen years later.

In 1974, the government linked the admission of independent applicants and nominated relatives much more closely to the occupational needs and labour market conditions within Canada.[42] Interim measures, aimed at slowing down the flow of immigrants, would have prospective immigrants receive no credit for pre-arranged employment without the proof that no Canadian citizen or landed immigrant was available to fill the vacancy.[43] Under the new regulations, it was still necessary to receive 50 points out of 100, but the total points scored would be reduced by ten units of assessment unless the applicant had satisfactory evidence of *bona fide* pre-arranged employment or was going to a designated occupation.[44]

Andras emphasized that the measure taken would be universally applied with no discrimination with respect to country of origin.[45] It was also noted that the new Regulations would have no effect on the movement of sponsored immigrants who come to Canada to rejoin their families and that they would have no impact on Canada's intake of refugees.[46] The Minister wanted to show that the steps taken by the government were truly consistent with the three basic principles of Canada's immigration policy: 1)universality and non-discrimination in the application of selection criteria; 2)family re-unification, and 3)the meeting of Canada's labour market needs.[47]

However, critics claimed that racism was a catalyst to these new measures as they had the most negative impact on non-white immigrants.[48] *The Canadian India Times* made quite a strong assertion that "a few more 'brown and black faces' in the country seemed to have created panic in the minds of a few 'near racist officials' in the Department of Manpower and Immigration".[49] In their view, a handful of prejudiced civil servants were chiefly responsible for singling out the non-Europeans for special unfavourable treatment. On the other hand, Sanderson thought that "the Government was simply bowing to pressure from Canadians who resent the influx from non-white countries".[50] The new measures drew a degree of criticism from some community and ethnic groups and also from Liberal M.P.'s who had large immigrant populations in their own ridings.[51]

Although officials insisted that there were no racial implications whatsoever in the steps taken, the new control measures would reduce immigration from Asia, Africa, and the Caribbean. This was due to the fact that nominated immigrants came more from the developing countries where kinship ties are traditionally strong, although the following table shows that its proportion for Southern European countries was even higher because many of their immigrants were already settled in Canada. This was partly responsible for the fear of the snowballing effect that each nominated immigrant becomes the means of his or her admitting to Canada several other nominated immigrants who could nominate others in turn.[52] On the other hand, it was stated by Charles Roach, who represented various ethnic groups' interests, that "the government's tightening of immigration marked a significant increase in racial prejudice in Canada" and "the government was promoting racist ideas in order to avoid the responsibility for its failure to provide for jobs and housing".[53] This episode typically characterized the politically difficult balancing act confronting the government in the process of selecting human beings according to one criterion or another especially when there was a need to limit the number of entrants.

Table VIII Immigration to Canada by Class and Country of Last Permanent Residence

1967	Sponsored	Nominated	Independent (%)
Britain	13.5	9.0	77.6
U.S.	15.4	1.9	82.7
France	9.8	14.1	76.1
Germany	12.3	14.7	73.1
Portugal	67.5	24.7	7.8
Italy	31.3	53.0	15.7
Greece	31.8	49.6	18.6
West Indies	28.1	18.1	53.8
Hong Kong	38.1	17.4	44.5
India	41.3	11.9	46.8
Pakistan	29.0	22.5	48.5
Others	14.3	17.2	68.5
Total	20.8	19.1	60.1

1973	Sponsored	Nominated	Independent (%)
Britain	14.8	17.7	67.5
U.S.	25.8	3.8	70.4
France	11.5	20.0	68.5
Germany	20.2	20.4	59.5
Portugal	26.6	45.7	27.7
Italy	41.3	40.9	17.8
Greece	30.0	42.0	28.0
West Indies	24.5	16.6	58.8
Hong Kong	17.0	33.8	49.2
India	38.6	19.0	42.5
Pakistan	29.7	37.6	32.7
Others	20.7	29.0	50.3
Total	22.8	24.3	52.9

Source: Calculated from the number available in Department of Manpower and Immigration, *A Report of the Canadian Immigration and Population Study*, Vol.3, Immigration and population statistics, Ottawa, 1974, p.41, p.43.

IV. The Green Paper

When Andras announced the new measure to link immigration more closely to Canada's labour needs in 1974, it was made clear that the government was preparing a Green Paper on Immigration. This was a study of population and immigration, which would provide the basis for a widespread public debate on these timely topics.[54] The appointment of Andras, who was determined to produce a new immigration act and, for that matter, to sort out the problems of management and control, to the post of the Minister of Manpower and Immigration, was a very important factor for change in Canadian immigration policy.[55] A number of half-hearted attempts by some of the many Ministers before him or by their officials since 1952 to rewrite or refurbish the old Act, when it likely would have been easier to attain when legislators faced fewer societal restraints, had come to nothing mainly as a result of a lack of political will or pressing genuine concern.[56]

The Task Force, which was created by the Department of the Secretary of State "to look into the question of federal responsibilities in the immigrant service area" and "to examine the existing state of services and programs for immigrants", held extensive consultations with various interests such as provincial officials, voluntary agencies, and immigrant organizations across Canada.[57] This initiative was taken because the responsibility for immigration was shared between the Department of Manpower and Immigration and the Department of the Secretary of State and because the blurry distinction in each department's jurisdiction was causing troublesome frictions. While the Immigration Division was responsible for the initial reception and guidance of immigrants and the Manpower Division did the counselling and placement of workers, the problem of social adjustment was taken care of by the Citizenship Branch of the Secretary of State Department after the immigrants' settlement in particular areas.[58] The Department of the Secretary of State entered into consultations with provincial governments and non-governmental groups because the jurisdictional split at the federal level and inadequate federal-provincial collaboration had the consequence of underdeveloped planning of services offered to immigrants and left the void for the voluntary agencies to fill in immigrant settlement and adjustment services.[59] It was also very likely in the interest of this initiating Department preemptively to probe the relevant interests in search of the best new arrangement.[60]

An Interdepartmental Committee representing both the Department of Manpower and Immigration and the Department of the Secretary of State met to examine the recommendations of the Task Force and gave its suggestions to Cabinet.[61] The work of this Task Force and the Committee was closely related to the Canadian Immigration and Population Study, although it was not part of it. It was thus that competing interests within the state were to be accommodated before the government could publicize its stance on immigration policy. The state was never monolithic even after the creation of the combined Manpower and Immigration bureaucratic unit. The Department of the Secretary of State had a longer-term view of immigration with an expansionist tendency while the Department of Manpower and Immigration was more mindful of the short-term labour needs.[62] The negotiation process which has been discussed above led to the establishment of the Settlement Branch in the Department of Manpower and Immigration.[63]

In fact, it was on September 17, 1973 that Andras made the first announcement in the House of Commons that the government would "launch a fundamental review of immigration policy as a prelude towards the preparation of a modern legislative basis for the future conduct of Canada's immigration programme".[64] The existing immigration act, which was more than twenty years old, was so outmoded that it needed to be updated to reflect new ideas, new operations, and new interests, although some of them had been gradually realized in the form of regulations. Law-making, which necessarily involved Parliament, was the most legitimate style of policy change. To achieve the goal in the form of legislation inevitably involved a large number of domestic groups because any interests concerned had open recourse to their M.P.'s and also the relevant Parliamentary Committee members. To make the legislative process move smoothly, it became imperative to hear the concerns of as wide a range of policy actors as possible; thereby avoiding the potential vocal outcry against the final output. The policy community in immigration was by that time developed well enough not to be disregarded in any manner. Moreover, it served the purpose of justifying the process in the name of democracy.[65]

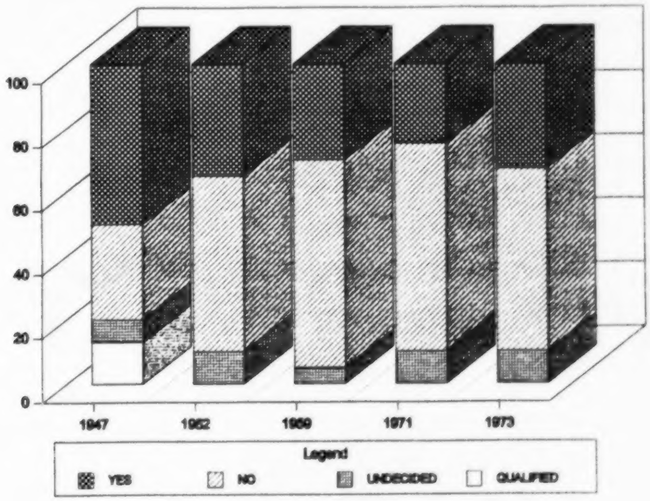
In addition, Grafftey identifies a number of external pressures that may have influenced those who initiated the Green Paper.

> Global population pressures, inflation and economic stagnation in dozens of countries, food shortages and even famine - all these are combining suddenly to make Canada magnetically attractive to immigrants. In the first nine months of 1974 applications by people eager to settle in Canada rose by 43% and 116,401 were accepted as landed immigrants - a big 38.8% jump over the same period in 1973. For all of 1974, the total was 200,000, the heaviest influx in a single year since 1967.[66]

As other immigrant-receiving countries' policies became more and more restrictive, aspirants for a comfortable life in a new land were attracted to Canada like a magnet. Two renowned historians, J.L. Granatstein and Robert Bothwell, find a causal link between the Chilean refugee intake in 1973 and the new Immigration Bill as Canadians were freshly awakened to the connection between their seemingly 'isolated' country and the far south of the Americas.[67] A shrinking world, bringing the North and the South, the West and the East much closer to each other, was symbolized by the Club of Rome Report, which depicted the entire earth as sharing the same destiny.[68]

Grafftey also informs us that the pattern of immigrant settlement within Canada posed some serious questions for governments concerned with demographic characteristics. Crowded cities, housing and job shortages, and the popular unease over the large increase in non-white immigration from Asia, the Caribbean, and other parts of the developing 'Third World' were among the concerns.[69] These factors served as a strong catalyst for creating an anti-immigration mood in Canadian society as shown in the following table.

Figure III Would you say that Canada needs immigrants or does not need immigrants?



Source: Nancy Tienhaara, *Canadian views on immigration and population: An analysis of post-war Gallup polls*, Canadian Immigration and Population Study, Department of Manpower and Immigration, Ottawa, 1974, p.19.[70]

The Green Paper was the first attempt at a comprehensive analysis of all immigration perspectives in Canadian history. As Richmond points out, "Unlike a 'White Paper', which is a statement of government policy, a 'Green Paper' is designed to provide a factual background and to stimulate public discussion of a major policy question, prior to the formulation of new legislation".[71] A Task Force was created to study policy options open to the government and to organize the review process, chaired by Richard M. Tait, an economic counsellor with the Canadian High Commissioner in London.[72] Tait said that the Green Paper was not aimed specifically at finding effective methods to curb the pace of immigration and that the efforts were "directed entirely at deliberating the problems and indicating the choices open to Canada".[73]

The federal government deliberately wooed the provinces and tried to bring them into policy discussions on immigration and population.[74] Nearly two hundred organizations and groups across Canada came forward to submit their proposals on immigration and population policy, and individuals were also invited to express their views.[75] Andras explained the purpose of the Green Paper as follows:

> (a) to identify problems and analyse policy options in terms that will relate immigration to the kind of Canada that Canadians want.
> (b) to review the procedures by which immigrants are recruited
> (c) to review the entire legal framework within which new policies should operate.[76]

A Green Paper entitled *A Report of the Canadian Immigration and Population Study* was finally tabled in the House of Commons on February 3, 1975.

The Green Paper was comprised of four separate volumes and eight supplementary studies, written either by academic experts or by officials. The first volume: *The immigration perspective* discussed issues such as the national interest and international responsibilities, federal-provincial relations, the legal problems of the existing law, and the projected size of the Canadian population. Four options were presented for discussion as illustrative of the range of possibilities that deserved attention for future immigration policy.[77]

> (1) Retain the present points system, which does not set formal limits on the number of immigrants who may come to Canada.
> (2) Gear the points system to the state of the economy and labour market by eliminating the category of nominated immigrant.
> (3) Set up an open-ended system for Canadian immigration
> (4) After establishing a quota for total immigration, specify priorities in admitting different categories of immigrants

The first option, which does not fix the number of landed immigrant visas over a given time span, would admit immigrants simply in response to the sheer volume of visa applications at various posts in the world. The second option was based on the finding by the Green Paper's studies that nominated immigrants lacked the necessary training or skills to find suitable jobs, and accordingly on the need to make a clear distinction between the class of immigrants which the labour market needed and those admitted for other reasons. The third option would establish targets or quotas for the number of visas to be issued each year, both on a global basis and for regions and individual countries, without resolving the politically vexing problem of deciding on the formula for allocating visa quotas among different parts of the world. The fourth option would have a commitment to process certain priority groups in a given year within the overall ceiling. This foresaw a regular process of consultation through which the views of provincial governments as well as the advice from designated outside agencies and organizations would be sought to determine the priorities.

The second volume: *The immigration program* was more descriptive, providing a compact history of Canada's immigration policy, a description of current immigration policies and practice, and information about immigrant settlement services. The third volume offered a comprehensive set of immigration and population statistics and indicated the important link between the volume of immigration and population projections to the year 2000. The fourth volume: *Three years in Canada* presented the first report of the longitudinal survey on the economic and social adaptation of immigrants. This survey was started in 1969 and made a systematic study of the adaptation of three groups of immigrants who arrived in Canada during the years from 1969 to 1971.

The Green Paper was widely considered to be restrictionist in its general tendency in comparison with the White Paper, which was issued in the period in which economy was expanding. As a highly contentious point, the Green Paper's suggestion that the category of nominated immigrants should be reconsidered raised a sense of suspicion among immigrant groups from the Third World, because it could effectively restrict the number of non-white immigrants.[78] This was a reasonable apprehension given the direction of the previous measures taken by the government in the same decade. Richard Thompson is explicit in his comment on the Green Paper as follows:

> ... the government has called for a "public discussion" on Canada's immigration policies. This claim to impartiality is a complete fake. Obviously they don't need such a discussion to arrive at a policy; they are already implementing it. The real objective of the green paper "discussion" is to encourage the spread of racism in Canada. They cynically veil their real intentions with claims of impartiality.[79]

It was alleged by him and others that the Green Paper authors attempted "to justify racist immigration policies by linking them to the needs of Canada's capitalist economy".[80] However, the evidence from the Joint Committee hearings, which will be dealt with later, does not support this one-sided view of Canada's immigration policy.

Hawkins wrote unreservedly that "[T]he Green Paper was a disappointing document and, in some ways, an insensitive one".[81] She, in contrast with major research studies carried out by a group of experts in the U.S. and Australia, strongly argued that detailed demographic studies be conducted to supplement the Green Paper because the most important issue at stake was the future of Canada's population regarding it size, its rate of growth, and its distribution and composition.[82] Wydrzynski's assessment was also negative as follows:

> Purporting to be a discussion document rather than a statement of official governmental policy in this politically sensitive area, the Green Paper is carefully worded and lacks analysis in depth, of the scope and effect of immigration and population in Canada's future.[83]

Richmond and Gurbachan S. Paul argue that the Green Paper was very restrictionist in tone and that it was concerned too much about the social ill effect of non-white immigrants and also about the negative impact of immigrants in general on the economy and urban life in large cities.[84]

On the other hand, C.F. Bentley argues that the Green Paper was not sufficiently restrictionist and that it gave too little consideration to environmental questions such as the future availability of agricultural land.[85] Paul Cappon sees the dictates of corporate interests in the Green Paper by maintaining that it was the document made by the federal government to modernize the form of exploitation of foreign nationals' labour in response to business' desire to rationalize immigration.[86]

Regarding the policy-making process, Gordon B. Milling emphasizes the importance of a long-range approach to immigration planning with a regular consultative mechanism to ensure a continuing contact between the government and representatives of business, labour, and other informed groups in the private sector.[87]

> If it is undesirable in a representative political system for a government to appear to be abdicating its policy-making responsibilities by resorting to such forms of direct democracy as the plebiscite, then it is arguable that the Green Paper approach can be used very rarely, in that it offers the public even less guidance than would an opportunity to choose among two or more recognizable alternatives. A continuing process of two-way communication between the government and major interest groups, on the other hand, requires no abdication of government responsibility for policy; it implies only a sharing of responsibility for bringing together the knowledge and judgement on

> which intelligent decisions can be based. Machinery of this kind need not detract from or short-circuit the democratic process. It may add a new dimension, assuming that labour and other participants are normally responsive to the needs and opinions of their own constituents.[88]

According to Milling, the Green Paper approach, which would sound public opinion on a specific theme in a direct manner, could be considered to be the denial of the role which the government was expected to play in a policy-making process of a representative democracy because the government is, as it were, blown around by the wind rather than steering the course. Although what Milling proposes is a corporatist style of immigration policy-making, there is some evidence demonstrated in the next paragraph that reinforced the idea that the government was attempting to reach the untouched segment of the society.

It was noted by Alan E. Gotlieb, Deputy Minister of the Department of Employment and Immigration, that the state was inspirational in encouraging diverse social groups such as Chamber of Commerce Service organizations, Labour organizations, church groups, and ethnic organizations to discuss the Green Paper on the basis of their understanding of the piece and to submit their views of it.[89] The Department of Manpower and Immigration responded to this task by establishing a small Green Paper Co-ordinating Unit under the supervision of Tait as a contact point with the public.[90] The Unit was designed to reach the segment of society which would usually be disinclined to participate in the debate, that is, the broadest cross-section possible of Canadian society for such reasons as the lack of direct personal interest and the economic cost of participation. This move was based on the assumption that those most vocal and well-organized groups would be heard from in any case.[91] It was perhaps in the political interest of the incumbent government to look beyond the existing policy community towards a larger portion of society to make sure that the policy taken would be acceptable to them. Even though the negligence of the general public would not be likely to cause an immediate outburst of acrid antagonism, every issue could be fought on at the time of an election.

V. The Special Joint Committee on Immigration Policy

It was announced on February 21, 1975 that a Special Joint Committee would be set up, chaired by the President of the Privy Council, Mitchell Sharp.[92] Parliament formally established the Special Joint Committee of the Senate and the House of Commons on Immigration Policy on March 3rd and directed it to invite the views of the public on the Green Paper. This was Parliament's response to the government's initial purpose of publishing a Green Paper, that is, to stimulate public discussion on future immigration policy. However, ample evidence exists that this decision was not a straightforward one.

The question of how to deal with the Green Paper had been discussed as early as the fall of 1974. Tait weighed three options in response to the Minister's suggestion that they consider referring it to a Special joint Committee of the two Houses.[93] First, it would be most expeditious to use the Manpower and Immigration Council to organize and receive public reactions. This option would have the effect of neutralizing the highly politically charged subject of immigration. To the contrary, referring the Paper to a Special Joint Committee would make it very difficult to contain the process within a reasonable time-frame. It was also pointed out that the discussion of the issues in a Committee would inevitably be more politicized. On the other hand, this cumbersome route had the advantage of involving Parliamentarians at an early stage to prepare the ground in anticipation of the subsequent legislative and policy proposals by the government. Tait proposed a cost-saving alternative of relying on the Standing Committee on Labour, Manpower and Immigration. The third option was the use of both the Committee and the Manpower and Immigration Council with the former staying in Ottawa and the latter travelling across the country. This approach would ideally have the best of both worlds.

The Cabinet was divided on the best way to carry out a national debate on the Green Paper. Peter Dobell and Susan d'Aquino inform us that the following apprehensions existed.

> The decision reflected a variety of concerns - fear that a parliamentary inquiry might provide a platform for extremist views on the sensitive racial question and inflame already strong feelings in some quarters; a concern shared by some ministers and senior officials about the capacity of parliamentary committees to discipline themselves and refrain from making extravagant and unworkable recommendations which are none the less politically embarrassing to ignore; a worry that a parliamentary inquiry would be protracted and prevent the new legislation from being enacted before a 1978 election; the argument that parliament would have its opportunity for input when legislation was ready and that two turns at bat were unnecessary; and the underlying belief that cabinet's role is to make decisions and parliament's role should be limited to approval or rejection.[94]

On the other hand, Andras was influenced by Dobell's reasoning that it was a good opportunity for the fruitful and constructive involvement of Parliament and his shrewd calculation that the opposition, with no policy to attack, would end up supporting principles offered through the Committee hearings.[95]

Hawkins succinctly tells us that one of the main reasons for making an initial decision against the use of a Parliamentary Committee was "an anxiety about prolonging a public debate on immigration, a feeling that this might be controversial and divisive and a concern that the effort to get a new Immigration Act might come to nothing".[96]

> Although the Minister himself was in favour of a parliamentary committee, provided it got down to work quickly, an initial decision was made by Cabinet in favour of an earlier plan to have a national conference and other meetings, organized by a few well-known national organizations and voluntary agencies involved in immigration. When this decision became known in the House, the Liberal caucus reacted strongly against it. They wanted a committee and so did the opposition parties, both believing that Parliament must be directly involved in any major examination of the public's views in this important policy area. Eventually the strength of feeling in the caucus won the day and the Cabinet decision was reversed.[97]

In any case, Parliament was to play a more important role than in the previous decades in the immigration policy-making process.[98]

The Special Joint Committee's daunting task was evident in Andras' statement in his first appearance before the Committee that he would count on it "to assess the views and feelings of Canadians in this domain (of immigration and demographic policy), which ... touches very closely the lives of individuals and touches very heavily upon the future of the nation".[99] The Committee was made of 23 members from both Houses and was initially mandated to bring its report into Parliament by the month of July, that is, before a summer recess.[100] Senator Maurice Riel and Martin O'Connell, M.P., a former Liberal cabinet minister, were elected co-chairmen at its first meeting held on March 18.

The Special Committee received more than 1,200 letters and briefs from individuals and more than 200 briefs from organizations that did not show up at the meetings.[101] These were made available to the members of the Committee by summaries. Before starting the tour across the country, the Committee held meetings in Ottawa, with a range of specialists, such as economists, demographers, lawyers, and sociologists, as well as the Minister of Manpower and

Immigration and senior officials of the Department, in order to acquire important background information and informed opinion.[102]

It was not easy to decide where to hold public meetings across Canada, but it was agreed that the Committee would spend seven full weeks between the end of April and late June, visiting cities and towns of different sizes and with different problems all across Canada, including the Northwest Territories.

> To ensure that all Canadians with views on the subject know of the Special Committee's active interest in receiving written submissions, advertisements to this effect have been placed in major daily newspapers in both official languages, and in many other languages in papers of ethnic press. Spot announcements have been carried on radio stations in English and French and on stations broadcasting in some two dozen other languages. The Committee wishes to encourage organizations and individuals to respond to this invitation.[103]

Some 450 witnesses presented submissions at nearly fifty public hearings in twenty-one cities. Of these 167 appeared as private citizens, the rest as spokespersons for the following types of organizations:[104]

33	Church Groups
72	Community Organizations
20	Educational Institutions or Societies
2	Employers' Associations
69	Ethnic Organizations
10	Homosexual Organizations
22	Immigrant Services Organizations
5	Labour Unions
9	Municipalities (including 5 Mayors)
9	National Organizations
10	Political Organizations
6	Professional Associations
2	Provinces
1	Territories (Northwest)

The relative absence of representatives of employers' associations, organized Labour, and national professional bodies was striking, especially considering the process observed in the previous decades. It is also interesting to note that environmental groups, whose presence on the Canadian political scene began to be felt, surprisingly kept quiet with view to immigration policy.[105]

The most important aspect of the Green Paper, that is, the question of targets, levels, and quotas, was dealt with by a high percentage of witnesses.[106] At one extreme, several groups, among which naturally none of the ethnic organizations were counted, particularly found in British Columbia, advocated a severe restriction on immigration for environmental or economic reasons. At the other extreme, an open-door policy was supported by private citizens and church groups. The remaining groups were found in between these two poles by supporting one or more of the four options contained in the Green Paper. Most of the witnesses were supportive of the idea that immigration should be related to the economy and labour market conditions and many of them suggested annual consultations with the provinces to determine the size of the annual immigration.

There was a clear consensus among the people who appeared before the Committee that Canada must maintain a racially non-discriminatory immigration policy.[107] However, opinions were divided on the retention of the nominated relatives' category mainly between ethnic and non-ethnic groups, with the former obviously against its elimination.[108] Ethnic organizations took the idea of tightening up this class as discrimination against them. The abolitionists' reasons were not as precise. For example, the Canadian Labour Congress maintained that nominated relatives were frequently exploited as an indentured labour by their nominators.[109]

On the whole, this coast-to-coast tour went rather successfully in that it generated a balanced sample of public opinion on the Green Paper.

> Some meetings were packed by noisy representatives of extremist organizations with small memberships who often tried to prevent the expression of opinions different from their own. But on no occasion did these groups fully succeed. Even at the rowdiest meetings, the Committee learned about new problems and heard fresh points of view.[110]

After the public hearings, the Committee again held meetings in Ottawa to question the Minister of Manpower and Immigration and his senior officials and to inquire more substantially into the views and experiences of a number of important organizations.

A Task Force, led by James S. Cross, was set up by the Department of Manpower and Immigration to ensure an effective liaison between the Department and the Joint Committee to have immigration officials play a supporting role.[111] Senior bureaucrats with expertise in this particular field aimed to keep an upper hand over the Committee even though they were only supposed to be the source of reference information.[112] In fact, senior bureaucrats guided the Committee in the process of preparing its report by letting it know which points to focus on.[113] Furthermore, the Department was given permission to have access to a selection of briefs regarded as being of particular interest before the Special Joint Committee would make its final report.[114] Cross' Task Force would provide the necessary linkages with the Green Paper Policy Analysis Group, whose role inside the Manpower and Immigration Department was to bring various ideas into legislation, the Green Paper Co-ordinating Unit, and the Minister's Office.[115] Thus, this much touted democratic action, which presupposed that the participating people dominated the whole process of public opinion-making, was compromised, in part, by the support of scarce technocratic knowledge held by bureaucratic experts.[116]

The Special Joint Committee produced its *Report to Parliament*, which turned out to be a good piece of work in the immigration and population debate, on November 6, 1975. Among those contributing to the debate on which this Report was founded were the Minister of Manpower and Immigration, officials of the Department of Manpower and Immigration, organizations with a special interest in immigration, academic and non-academic experts including many groups and individuals qualified to speak with authority on immigration law, many members of the public concerned about issues bearing on immigration policy, and representatives of some provincial governments, who formed the immigration policy community in Canada.[117]

The Report clearly indicated that the members of the Committee were of the opinion that Canada should continue to be a country of immigration.[118] This positive outlook on immigration was based on the demographic and economic benefits to Canada as well as the family and humanitarian considerations. As demonstrated above, the policy community was a heterogeneous entity, which espoused some contradictory types of immigration concerns among themselves while the general public was increasingly weary of new immigrants, many more of whom came from the Third World.[119] In other words, the Parliamentary Committee's recommendation ran counter to the existing adverse state of public opinion while accommodating the dominant interests of the policy community likely because the pro-immigration lobby, other than the employing class and the transportation companies, were viewed as more salient than the anti-immigration forces.

The Special Committee elaborated a proposal to set an annual target in order to regulate immigration flows in such a way as to achieve the desired population growth.[120] The two main indicators used in setting the target should be demographic and economic. The demographic indicator would take into account the fertility rate, size, rate of change in size, age of population, and rate of entry into and exit from the job market. The economic indicator would take into account the level of economic activity and rates of employment and unemployment.

The Committee pointed out the advantages which the proposed system of targets and ceilings would have over the existing system.

> - It would reduce the erratic character of post-war immigration to Canada while leaving sufficient flexibility to adapt to changing economic conditions.
> - It would provide the tools to manage immigration efficiently to serve Canada's priorities.
> - It would help to ensure that the profoundly human problems of immigration control are handled fairly, and in accordance with criteria which are open to public scrutiny.
> - It would assist in planning because the full number of independent immigrants approved for entry in any one year could all be expected to come forward.[121]

The Report of the Special Joint Committee opted for a moderately restrictive immigration policy with a stronger linkage of immigration to labour shortage areas and for incentives to immigrants' settling in designated communities but with no points awarded for this geographical reason.[122] It recommended that future immigration policies should emphasize job skills and experience while downgrading educational qualifications.[123]

Hawkins makes the following positive assessment of the Report:

> Although there were a few topics, such as immigrant services and refugees, on which they might have been more helpful and occasionally more liberal, the Committee spoke out firmly and positively on nearly all the essential matters. It is sad to have to record that, whereas the Green Paper received a good deal of attention in the media, the Committee's final report - a much better and more important piece of work - received almost none.[124]

Despite her general satisfaction with the final output of the Special Joint Committee, she argues that it was a limited form of public participation in the sense that the activities of the Special Committee did not involve a great many members of the general public and that they were poorly handled by the Canadian media and even neglected by C.B.C.[125]

It is possible that everything went well in accordance with the initial design of the government, which aimed not particularly to sensationalize a politically explosive issue because there were more lingering feelings of discontent with immigration than at any other time. It only induced the views of the actors who would overturn the report if ignored. While positioning itself at the centre of the policy-making process, the policy community which had their own materialistic, intellectual, and humanitarian interests at stake tightly controlled the process of consensus-making in Canadian immigration policy, thereby relegating the rampant negative public opinion to a secondary role.

VI. Bill C-24

The aforementioned activities between the state and civil society were all a prelude to the final goal, that is, to enact an immigration bill. There was the criticism by Joe Sarbara, a member of Ontario's 24-member Council on Multiculturalism, that government policies on immigration had already been formulated by officials in the Department of Manpower and Immigration and that the Green Paper and the Joint Committee were only a showpiece.[126] Further, it is notable that even David MacDonald, M.P., a Committee member, went as far as to endorse at an open forum organized by church groups that the Parliamentary hearings were mere 'window dressing'.[127] In fact, however, senior immigration officers were working simultaneously only on the aspects of legislation which were recognized as the arrant anachronisms to be removed so that they could prepare a very general framework for a new act.[128]

Although senior immigration officials of the Department of Manpower and Immigration, particularly members of the Policy Analysis Group, were chief authors of the new immigration bill, they had interdepartmental consultations with various other bureaucratic units, such as External Affairs and National Health and Welfare, in the process of drafting a bill.[129] The Department of External Affairs was concerned especially with the international implications of a new immigration act.[130] These were enumerated as major principles in the new legislation: security, refugees, family reunion, Francophone immigration and so on.[131]

One of the most controversial subjects, the entry of nominated and sponsored immigrants,[132] was seriously considered by those bureaucrats engaged in the task of legislation.[133] Initially they toyed with the idea of lessening the number in these classes by tightening up the criteria and procedures in an indirect manner. However, the political implication of any attempt to restrict these immigrants even indirectly made them think twice before taking any drastic action.[134] Valuable lessons learned from past blunders in handling this potentially flammable issue was better remembered by senior bureaucrats who had a longer life in the national government than their political masters. The sponsorship question was taken by the state to be so sensitive as to be dealt with very guardedly as if treading on thin ice. This is because it was by far the most important question among the recently settled immigrant communities.

The new immigration legislation was introduced in the House of Commons on November 22, 1976 as the culmination of several years of intensive and extensive public discussion and consultation. The Immigration Bill C-24 was presented by the new Minister of Manpower and Immigration, Bud Cullen. The Bill combined valid provisions of the 1952 Immigration Act and the 1967 Immigration Appeal Board Act with major new provisions, which were based upon the recommendations in the Report of the Special Joint Committee.[135] The Bill contained statements on the objectives underlying the conduct of Canada's immigration policy pertaining to: 1)reunification of families, 2)non-discriminatory selection standards, 3)humanitarian concern for refugees, 4)promotion through immigration of Canada's social and economic goals, and 5)protection of the health, safety, and good order of Canadian society.[136] In addition, it explicitly recognized two novel points: (1)the importance of immigration to the achievement of national and regional demographic goals and (2)the need for collaboration between the federal government and the provinces in the immigration field, which is discussed in the next section.[137]

Cullen introduced the new legislation saying: "I believe we have produced a piece of legislation which is balanced, human(*sic*) and flexible enough to meet the rapidly changing conditions which are part of a modern world".[138] The government accepted sixty of sixty-five recommendations by the Special Joint Committee, which formed some of the major elements in the new immigration bill.[139] Hawkins writes that "by and large, the Bill lives up to expectations and does what the Special Joint Committee and many other Canadians who contributed to our short but useful national debate on immigration hoped it would do".[140]

Cullen opened the House of Commons debate on second reading of Bill C-24 on March 10, 1977, with a lengthy statement of the government's aims stressing that the Bill owed very much to the efforts of the all-party Joint Committee.[141] The shadow minister of the official opposition party, Arthur Jake Epp, said that his party agreed on the whole with the Bill's stated objectives. However, the Progressive Conservative Party's major criticism was that "bill C-24 had been framed in such a way that there could be no meaningful debate on the mechanics of immigration" because "too much was left in the hands of the minister and the bureaucrats".[142] The immigration critic of the N.D.P., Andrew Brewin, also pointed out the same defect that "it left so much to be dealt with by order in council or by regulation".[143] Although it was valid to point out the lack of substance, it was also inevitable that any immigration act in order to have long-time durability needed to be flexible enough to be amenable to unexpected changes.

Indeed, the application and establishment of selection standards, the rules for sponsored classes, the persons to be admitted on compassionate grounds, the standards for refugee intake, and many other important interpretations of clauses were all to be left to regulations. Further, it was neither the Act itself nor the regulations but the interpretation and application of the regulations which counted most.[144] Brewin drew "attention to the ways in which he felt it was a threat to civil rights" because too much power of discretion was accorded to immigration officers in determining who should be admitted in concrete cases.[145] Wydrzynski explicitly writes: "Secrecy, discretion and Canada's self-interest are still the watchwords of the present time".[146] Therefore, it should be conceded that what policy would come out of the final legal output, that is, the new Immigration Act, was likely to be still reflective of the manoeuvring by the state.

The Immigration Bill received second reading and was referred to the Standing Committee on Labour, Manpower and Immigration. While one P.C. and all the N.D.P. and Social Credit members present voted against the Bill, all of the Liberal and the remaining Conservative members present, except MacDonald, voted for it. Cullen defended Bill C-24 in terms of regulation-making powers in his opening statement before the Standing Committee on April 5, 1977. While Section 57 of the 1952 Act gave the Governor in Council very sweeping powers to regulate as and when it pleased, he argued that Bill C-24 adopted a totally different approach, which was more honest, more open, and more informative. He based his argument on the following stated facts:[147]

> 1) there is no wide-open power in the preamble or otherwise.
> 2) the whole bill is framed in such a way as to require all parts of the bill itself, the regulations and any orders, instructions, or directions given under the law, to conform to the objectives set out in Clause 3.
> 3) each regulation-making power is specific. It states exactly what may be regulated and by implication what cannot be regulated. Those who say that the Governor in Council can establish selection standards that it wishes have not examined Clauses 6 and 115(1)(a) closely enough. When they do, they will realize that that power, like virtually every other power, is carefully circumscribed and restricts the government's authority to do anything inconsistent with the bill itself.

The purpose of the regulation-making powers in the Bill was, he argued, "to permit government to act quickly when necessary, to be flexible and humane in dealing with human problems and to act appropriately in the face of new and unexpected situations".[148] It was evident that Canada would have great difficulties with uncontrolled immigration without the capacity of government to make rapid adjustments by making immigration regulations. Although it was ultimately the government's responsibility to decide the regulations which would best serve the objectives clearly written in the Bill, its decisions would be subject to public scrutiny because they were published and gazetted.

As Hawkins points out, in contrast to the 1952 Immigration Act with the regulation-making powers defined in very broad terms, which could exclude almost any member of the human race for one reason or another, the new Immigration Bill specified each separate matter on which regulations may be made so that the excessive use of regulations as a tool of management could be effectively prevented.[149] The 1978 Immigration Regulations, which would complement the 1976 Immigration Act, specified the conditions of admission relating to the points system, employment authorizations, visitor visas, student authorizations, and the admissible classes.

Bill C-24 was passed in the House of Commons on July 25, 1977 and received Royal Assent on August 5. It came into effect on April 10, 1978. The new law allowed Canada to better regulate the flow of immigrants and to avoid the earlier wide fluctuations of immigration, which "inhibited sensible labour market planning, created increased strains on housing needs and promoted a certain degree of chaos in school, health, and community services programmes".[150] To achieve this goal, the Minister of Employment and Immigration was now required by Section 7 of the new act to announce the number of immigrants Canada plans to admit annually after consultation with the provinces and other organized groups such as organized Labour, employers' associations, and ethnic groups.[151] The number set in this process is flexible enough to be modified in response to changing circumstances such as increased unemployment or new trends in population structures. This question of annual planning will be discussed more substantially below.

To obtain an immigrant visa the applicant must be in one of the three categories: a family class, refugees, and independent applicants which include assisted relatives. The concrete terms of the family class were defined in the 1978 Regulations. The points system would not be applicable to prospective immigrants in this family class category. They only have to be in good health and of good character with sufficient evidence that their sponsors are capable of looking after the needs of the newcomers for a certain period of time. A Canadian citizen or permanent resident may appeal a denial of the sponsored dependent application to the Immigration Appeal Board.[152] Assisted relatives, who are more distant relatives than the family class, are subject to the points system, although they are given a bonus point. All independent class immigrants were to submit their application in their country of permanent residence. The 1978 version of the points system placed more emphasis on practical training and experience than on formal education.[153] It also reduced the amount of individual discretion to immigration officers to establish even more objective criteria for admission.[154]

To analyze the new Immigration Act in the framework of the state-society relationship, Anthony H. Richmond argues that, in the process of drafting Bill C-24, the government was not sure at all of the direction which future immigration policies should take, but was only convinced of the highly politically sensitive nature of the issues.[155] Richmond's view seems to be a bit extreme with a naive bias against policy-makers and Nord shows in definitive terms what the state wanted when it enacted Bill C-24.[156] Upon a detailed analysis, it becomes evident that the final outcome of the Committee report is a mixed product of state interests to retain control over the day-to-day management and societal interests aggregated and articulated by the policy community. For example, the Department of Manpower and Immigration emphasized a better regional distribution of immigrants within Canada, while the Committee report came out with a more cautious approach to the question after hearing the various interest groups which appeared before the Committee.[157] On the other hand, although the Department of Manpower and Immigration was not particularly concerned with the issue of government services to newly arrived immigrants, the interest groups, the Committee members, and the Department of the Secretary of State argued that it should be appropriately handled in the report.[158]

Thus, Parliament played an important bridging role between the state executive and societal groups concerned about immigration. Nord argues that the Joint Committee members "operated as policy 'middlemen', transmitting governmental policy intentions to the public and public responses to the government".[159] This interpretation is supported by A. Paul Pross, who emphasizes the tendency of Parliament to become a key arena in which policy is proposed, discussed and elaborated.[160] Pressure groups came to use this most democratic machinery effectively so that their voices would be listened to by national policy-makers. This would serve to maintain a fruitful dialogue between the government and civil society in a Parliamentary forum.

However, these facts do not unconditionally support the pluralist model or participatory democracy at a grass-roots level because all societal groups or individual citizens could not equally make an effective input even though they were given opportunities to speak up. While 60 percent of the individual letters and briefs received by the Special Joint Committee were opposed to all or all non-white immigration, only 48,6 percent of all the opinions heard altogether were so opposed because the organizational briefs and the representations of individuals who appeared at the hearings in person were much more favourable toward maintaining the existing immigration levels with no discrimination as to race or ethnicity.[161] This suggests that the policy community formed by organized groups had an edge over a discrete society as a whole because of their superior abilities in interest articulation and aggregation.[162]

On the other hand, from a Marxist perspective, Luciano Negro argues that:

> the 1976 Immigration Act not only operated a break with past policy, but indeed heralded a new era in Canadian immigration strategy: an era wherein immigration would be harnessed to a global strategy of ensuring that the process of capitalist accumulation proceeds unhindered.[163]

This argument was supported by the reasoning that "the policy shift and therein the legislative re-hauling, are related to the changes occurring in the broader context of Canadian political economy, and more precisely in the attempt by the State to articulate a global strategy to counter and resolve the growing contradictions of capitalist economy".[164] However, given the shrinking percentage of independent immigrants, who are destined to head into the labour force on arrival, this interpretation does not stand.

Bill C-24, which was passed to be the 1976 Immigration Act, was the output of several years' tireless work by a number of bureaucratic specialists on immigration policy, primarily in the Manpower and Immigration Department and secondarily in the other relevant departments, and some elected politicians such as the Ministers of Manpower and Immigration and the members of the Joint Parliamentary Committee. A variety of organized groups participated in the process to express their interests and concerns to policy-makers and some of these were incorporated in the final decision of the new Act. Irrespective of the amount of demands met successfully, the process of state-society interaction was unprecedented and was important in itself because it marked a new type of politics in Canada's immigration policy-making.

VII. Federal-Provincial Relations

It is important to note that this period saw an increasing degree of immigration activity on the part of provinces. This is a process that has gradually increased in the post-war era. The subject is, however, worth taking up in this chapter because the 1970's was indeed a decade in which the phenomenon of active provincial involvement in this field of policy-making blossomed.

Section 95 of the Constitution Act, 1867, confers parallel jurisdiction over immigration to the provinces, as long as their legislation does not contravene federal legislation. W.H. McConnell explains shared jurisdiction in this area, along with agriculture, by the fact that most immigrants to Canada, which was characterized by an overwhelmingly agricultural economy at the time of Confederation, went into farming.[165] As the provinces had all developed considerable experience and expertise in immigration and were all interested in attracting people to settle and open up their lands, it was not surprising that they obtained partial jurisdiction in this area of public policy. Provinces were indeed active in this field in the first decade after Confederation.

In 1875 there was an agreement that "independent provincial agencies would be discontinued" and that "all provincial sub-agents or special agents would be under the direction of the Agent-General of Canada".[166] Consequently, the provinces gradually off-loaded their recruitment activities. This marked the beginning of a long period of provincial dormancy in immigration. Jacques Brossard notes that the provinces simply let their power atrophy because they did not exercise it and that their inaction was capitalized on by the federal government in controlling this field of public policy.[167]

The state of affairs which Hawkins characterized as exclusive federal management has gradually changed into federal-provincial cooperation in the post-war period. Walter E. Harris, Minister of Citizenship and Immigration, sought active cooperation from the provincial governments so that the two levels of government could promote their mutual interest with an informal exchange of views.[168] Thus, there were meetings between federal immigration officials and their provincial counterparts as early as the 1950's.[169] Various conferences were convened for the purpose of creating an increased awareness of immigration problems and their solution among the senior officials of the provincial governments; and for developing effective measures of cooperation in questions relating to absorptive capacity, settlement, and integration of immigrants. However, most of the provinces were not ready for an expansionist immigration program at this early stage.[170]

It was in the 1960's that the provinces awoke to the importance of immigration for their own economies. This was in parallel with the federal government's move to link immigration with national economic needs. As the federal government's efforts to attract skilled immigrants for settlement in Canada were never conducted along provincial or regional lines, the provincial governments perceived the need for their own involvement in this long neglected field to adapt policy in their favour. The Manitoba government, for example, took action to bring in a sufficient number of workers with good skills to boost a sluggish economy in the province.[171]

Even though Manitoba was unsuccessful in convincing the federal government of the regional injustice of a seemingly universal immigration policy in 1967, the federal government linked immigration admission more closely to the regionally defined occupational needs and labour market conditions in 1974.[172] The Department of Manpower and Immigration, with its own regionally structured organization, encouraged federal-provincial dialogues.[173] As senior-level immigration officials were located in each province, the geographical proximity of federal officials to the provincial governments facilitated operational consultation and cooperation between the two levels of government and provided the federal government with an effective network for the exchange of relevant information and policy output with the provinces.

The federal government brought the provinces into the process of preparing the Green Paper. The preface says the following:

> Because the provinces share a constitutional responsibility with the Federal Government in the immigration field, they were notified of the review, and their views were requested. Over the course of the past year contacts between the two levels of government have been developed, and information exchanged, as work on the review progressed.[174]

The provinces' involvement was actively sought after especially on the demographic objectives of immigration.[175] The issue was even brought up at the level of the First Ministers' meeting by Prime Minister Pierre E. Trudeau, who indicated that all Premiers clearly showed much interest in the subject.[176]

The Special Joint Committee finally reported to Parliament more enthusiastically than the Green Paper on federal-provincial cooperations.

> Federal-provincial cooperation is an area where the Committee feels substantial changes in practice are required. Wigorous(*sic*) efforts are needed to involve the provinces more closely in order to ensure that immigration policy reflects varied regional requirements. ... - a permanent joint federal-provincial committee to coordinate the development and implementation of immigration policy ... ; - a provincial presence in immigrant selection; this could involve sending officers abroad for counselling and promotional duties ... ; - collaboration on scrutinizing teaching institutions receiving foreign students and on fixing the numbers of foreign students accepted by

> each institution; - cooperation on immigration services beginning with a joint evaluation of needs ... .[177]

The Committee recognized Quebec's need to look abroad more actively for Francophone immigrants and for immigrants who would more readily integrate into the French Canadian community.[178]

The attempt to bring provincial interests into harmony with national policy was formalized in the 1976 Immigration Act. The Act enumerated the objectives of Canadian immigration policy, some of which were closely liked with the provinces or regions.

> 3.(b) to enrich and strengthen the cultural and social fabric of Canada, taking into account the federal and bilingual character of Canada;
> (d) to encourage and facilitate the adaptation of persons who have been granted admission as permanent residents to Canadian society by promoting cooperation between the Government of Canada and other levels of government ...;
> (h) to foster the development of a strong and viable economy and the prosperity of all regions in Canada;

In order to fulfil those objectives, the Act also specifies the means of federal-provincial cooperation.

> 7. The Minister, after consultation with provinces concerning regional demographic needs and labour period considerations ... , shall lay before Parliament, ... , a report specifying (a)the number of immigrants that the Government of Canada deems it appropriate to admit during any specified period of time; and (b)the manner in which demographic considerations have been taken into account in determining that number.
>
> 109.(1) The Minister shall consult with the provinces respecting the measures to be undertaken to facilitate the adaptation of permanent residents to Canadian society and the pattern of immigrant settlement in Canada in relation to regional demographic requirements.
> (2) The Minister, with the approval of the Governor in Council, may enter into an agreement with any province or group of provinces for the purpose of facilitating the formulation, coordination and implementation of immigration policies and programs.

Thus, while all the provinces had been engaged in providing settlement services since the 1950's, other provincial activities emerged in the 1970's as immigration policy was linked to other policy areas such as recruitment and selection.[179] Pamela O. Menchions concludes: "Flexibility in accommodating a variety of provincial preferences for levels of involvement and style of consultation as well as federal interests and underlying motivations is crucial to the successful functioning of immigration as a federal-provincial issue".[180]

On the basis of this new development, Quebec struck a very innovative accord with the federal government. The Cullen-Couture agreement of 1978 conferred on Quebec the power to select immigrants who intend to settle in this particular province with its own distinct points system with more weight placed on proficiency in the French language and on the local labour need, whose use is made by Quebec officials independently of the federal counterpart.[181] The idea of a bilateral federal-provincial accord, which has a solid legal basis in Section 109(2), was later imitated by many other provincial governments, although they do not have the socio-cultural aspirations behind their action like Quebec.[182]

VIII. Conclusion

The new Immigration Act was finally legislated in the 1970's to replace the outmoded 1952 Act. The new Act is very different from the earlier one in its substance[183] and in the way it was made, which unmistakably made a considerable impact on the content. The policy community made up of the different bureaucratic departments and the various interest groups, whose relationships had matured to such an extent that this sort of consultative process was becoming institutionalized, demonstrated a pattern of policy-making that was mutually acceptable to both the state and societal interests. The Green Paper, which was prepared by the Department of Manpower and Immigration to assess opinions before taking any definitive action, was brought under the scrutiny of all interested parties in the nation-wide tour of the Joint Parliamentary Committee.

An examination of the legislative process does not support the state-centric model of public policy-making, which presupposes that the state sets the general contour of policy. Influential societal groups and provincial governments were brought substantially into constructive dialogue with the government to prepare policies which were acceptable to both the state and civil society. The interests of ethnic groups, producers, organized Labour, and provinces were accommodated with those of the state. While it is not possible to determine that the state was influenced equally by diverse interest groups found in society at large, it is clear that a considerable amount of consultation was now required in this policy area.

On the other hand, the hardening of attitudes vis-à-vis immigration, which was increasingly observable in the general mass population in this decade, seems to have made only a minor impact on the content of new policy. As often discussed on any matter of public policy, the so-called 'general public' is the least influential segment of public opinion in clear contrast to the 'active' public associated with interest groups seeking to influence policy in favour of them and the 'interested' public who is occasionally mobilized to express their individual views to political leaders or the media.[184]

It should be admitted that the policy community had a major hand in the process of law-making in the 1970's. The new Act also prescribed a pattern for future state-society consulting relations in regards to setting the number of immigrants to be received in a given year. In the face of external and internal pressures, Canada finally departed from the intermittent, short-term response to prevailing economic conditions, what is called a "tap-on, tap-off" approach, to an annual deliberation on the number of immigrants to be taken in.[185] The 1976 Act made it mandatory for the state to consult major societal groups and provinces to achieve this goal.[186]

Notes

1. National Archives of Canada [hereafter referred to as NAC], RG 76, 87-88/093, Box 3, File 5001-15-1, Vol.1, Memo from J. Hucker, Legislative Consultant, to Robert Andras, Minister of Manpower and Immigration, "Immigration as a Privilege", June 10, 1975.

2. Christopher J. Wydrzynski writes the following:

> ... the establishment of a permanent Immigration Board ensured that the administration of the new policy would be carried out in an effective and equitable fashion. Prospective immigrants would have the right of appeal from decisions by lower echelon officials which would affect their future livelihood, and access to a judicial body by which

> their rights and privileges could be enforced. In this manner, the alleged arbitrary discretionary power of immigration officers would be subject to judicial structuring, confinement and definitions.

Cf. Christopher J. Wydrzynski, *Canadian Immigration Law and Procedure*, Canada Law Book, Aurora, Ont., 1983, p.60.

3. It was since the beginning of the 1950's that the idea itself of an advisory committee on immigration had existed. Cf. NAC, RG 26, Vol.97, File 3-15-1, pt.1, Memo to the Cabinet, from W.E. Harris, Minister of Citizenship and Immigration, "Administration of Order-in-Council P.C. 2856, June 23, 1950; RG 76, Vol.245, File 165172, pt.16, Letter from Laval Fortier, Deputy Minister of the Department of Citizenship and Immigration, to C.E.S. Smith, Director of the Immigration Branch, Mar.28, 1953.

4. Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern*, 2nd ed., McGill-Queen's University Press, Kingston and Montreal, 1988, p.168.

Its real operation turned out to be not as effective as expected unlike the Immigration Appeal Board. Hawkins makes a negative judgment as follows:

> They were a failure, although not a disastrous one, and made only a small contribution to policy development in manpower or immigration. This was partly due to the fact that the structure itself was defective and the idea of a council of non-specialists which reviewed specialist advice before it went to the Minister was very inadequate. But the main reason for failure was that the Trudeau government, which took over in 1968, did not want advice or not of this kind, and while the council and boards were there, policy was being made all the time without them. Although always well looked-after, they operated at a middle management level and rarely saw the Minister and Deputy Minister; and this lack of status and lack of a sense of being entrusted with important tasks caused them quite literally to wither away.

Cf. Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, McGill-Queen's University Press, Kingston and Montreal, 1989, p.40.

5. Freda Hawkins, "Destination Unknown: Difficult Decisions in Immigration Policy", *Queen's Quarterly*, Vol.LXXXII, No.4, Winter 1975, p.590.

6. Freda Hawkins, "Canadian Immigration: Recent Policies, Future Options", *The Round Table*, Vol.LXVII, Issue 265, Jan.1977, p.57.

7. Ibid., p.58.

8. George Sanderson, "Immigration policy: a labour-related issue", *The Labour Gazette*, Vol.LXXVI, No.3, Mar.1976, p.138.

9. George Sanderson, "Immigration: A Look at Present Trends", *The Labour Gazette*, Vol.LXXV, No.1, Jan.1975, p.32.

10. Monica Boyd, "Immigration Policies and Trends: A Comparison of Canada and the United States", *Demography*, Vol.XIII, No.1, Feb.1976, p.84.

11. Hawkins(1975), op.cit., pp.592-593.

12. Boyd, op.cit., pp.101-102.

13. William L. Marr, "Canadian Immigration Policies Since 1962", *Canadian Public Policy*, Vol.I, No.2, Spring 1975, p.198.

14. R.A. Jenness, "Canadian Migration and Immigration Patterns and Government Policy", *The International Migration Review*, Vol.VIII, No.1, Spring 1974, p.15.

15. Freda Hawkins, "Canadian Immigration", *Race Today*, Vol.III, No.3, Mar.1971, p.89.

16. See James McCook, "Selective Immigration - Or Is It Discrimination?", *The Ottawa Journal*, Mar.24, 1961, p.6.

17. John R. Wood, "East Indians and Canada's Immigration Policy", *Canadian Public Policy*, Vol.IV, No.4, Autumn 1978, p.554. See also Susan Karen Watson, "The Relationship Between Canadian Immigration and Multicultural Policies: A Case Study", M.S.W. Thesis, University of Calgary, 1985, pp.96-97.

18. See Douglas C. Nord, "Immigration as an International Problem: Canada, the United States and East Asia", Ph.D. Dissertation, Duke University, 1979.

19. Douglas C. Nord, "The 'Problem' of Immigration: The Continuing Presence of the Stranger within Our Gates", *The American Review of Canadian Studies*, Vol.VIII, No.2, Autumn 1978, pp.126-127.

20. Ibid., pp.124-126.

21. Kenneth McDonald, "The Politics of Immigration", *Executive*, Vol.XIX, No.3, Mar.1977, p.31. This kind of overtly racism-tinged expression was tolerated in a Canadian magazine in this period of time.

22. See S. Watanabe, "The Brain Drain from Developing to Developed Countries", *International Labour Review*, Vol.IC, No.4, Apr.1969, pp.401-433.

23. Swee-Hin Toh, "Canada's Gain from Third World Brain Drain, 1962-1974", *Studies in Comparative International Development*, Vol.XII, No.3, Fall 1977, pp.25-26.

24. Ibid., p.41.

25. Don Devoretz and Dennis Maki, "The Immigration of Third World Professionals to Canada: 1968-1973", *World Development*, Vol.XI, No.1, Jan.1983, p.55.

26. H.R. Jones, "Canada Reviews Immigration", *Geography*, No.280, Vol.LXIII, Part 3, July 1978, p.217.

27. Hawkins(1977), op.cit., p.51.

28. Johannes Overbeek, "The Economic Dilemma of Canadian Immigration: 1970-1980", *The American Review of Canadian Studies*, Vol.XIII, No.1, Spring 1983, p.111.

29. David Thomas, "How we keep out the Black and the Yellow", *Saturday Night*, Vol.LXXXVII, No.6, June 1972, p.15.

30. Heward Grafftey, "'Special' immigrants: now manpower dilemma", *Canadian Business*, Vol.XLVI, No.10, Oct.1973, p.98.

31. Ibid., p.98.

32. "Immigration Laws: Should We Loosen or Tighten?", *Canada & the World*, Vol.XXXVIII, No.5, Jan.1973, p.3.

33. Christopher J. Wydrzynski, "Immigration Law: Ten Years of Increasing Pessimism", in Julio Menezes(ed.), *Decade of Adjustment: Legal Perspectives on Contemporary Social Issues*, Butterworths, Toronto, 1980, Issue 7, p.134.

34. Office of the Minister, Manpower and Immigration [hereafter referred to as OMMI], For Release, Statement by the Honourable Bryce Macksey, Minister of Manpower and Immigration, June 22, 1972, "New Measures to Expedite Immigration Inquiry Cases", p.3.

35. Joseph Kage, "The Immigration Door", *JIAS News*, Vol.XIX, No.4, Dec.1972, p.1.

36. Warren Black, "Novel Features of the Immigration Act, 1976", *The Canadian Bar Review*, Vol.LVI, No.4, Dec.1978, pp.561-562.

The right to appeal a deportation order was limited "to persons seeking admission at ports of entry who have been issued immigrant or non-immigrant visa overseas; to landed immigrants; and to persons having a valid claim to refugee status or Canadian citizenship". Cf. OMMI, For Release, June 18, 1973, 73-12, p.2.

37. Department of Manpower and Immigration [hereafter referred to as DMI], *What you should know about the New Immigration Regulations, Effective January 1st 1973.*

38. Norman Campbell, "Ottawa Report: New Immigration Regulations", *Canada Scene*, Issue 876, Mar.9, 1973, p.3.

39. Ibid., p.3.

40. Joseph Kage, "Temporary Difficulties And Permanent Benefits", *JIAS News*, Vol.XX, No.1, Mar.1973, p.1.

41. Ibid., p.1.

42. Louis Parai, "Canada's Immigration Policy, 1962-1974", *International Migration Review*, Vol.IX, No.4, Winter 1975, p.459.

43. Sanderson(1975), p.32.

44. OMMI, For Release, "Immigration Regulations", Oct.22, 1974, 74-37, p.1.

45. OMMI, For Release, "Extracts from CBC News Program", Oct.17, 1974, 74-35, p.2.

46. OMMI, For Release, 74-37, pp.1-2.

47. "Changes in the Canadian Immigration Regulations", *ICMC Migrant News*, Vol.XXIV, No.1, Jan.-Feb.1975, p.25.

48. *U.S. News & World Report*, op.cit., p.65.

49. "Immigration", *Canadian Ethnic Press Review*, Vol.III, No.II, Nov.1974, p.8.

50. Sanderson(1975), op.cit., p.32.

51. Ibid., p.32. Traditionally, the Liberals receive the electoral support of immigrant populations. Thus, they cannot handle their interests lightly.

52. Ibid., p.32.

53. "Immigration", *Canadian Ethnic Press Review*, Vol.III, No.IV, Jan.1974, p.7.

54. "Recent Amendments to the Current Immigration Regulations", *JIAS News*, Vol.XXI, No.4, Winter 1974, p.7.

55. Freda Hawkins, "Canadian Immigration: A New Law and a New Approach to Management", *International Migration Review*, Vol.XI, No.1, Spring 1977, p.80.

56. Hawkins(1975), op.cit., p.596.

57. Freda Hawkins, "Canadian Immigration Policy and Management", *International Migration Review*, Vol.VIII, No.2, Summer 1974, p.151.

58. NAC, RG 76, Vol.747, File 511-2-022, Background Paper, "The Role of the Social Department Branch of the Secretary of State in Immigrant Integration", Prepared by Lagasse, Oct.22, 1965, pp.2-3, pp.4-5.

59. Watson, op.cit., p.89.

60. The Immigration Division was in a weak position in a department combined with Manpower in the volume of personnel and in the amount of budget. Cf. Watson, op.cit., p.92.

61. Hawkins(1974), op.cit., p.152.

62. Watson, op.cit., p.87, p.94.

63. Hawkins(1989), op.cit., pp.82-83.

64. Constantine E.A. Passaris, "Absorptive Capacity and Canada's post-war Immigration Policy", *International Migration*, Vol.XVII, Nos.3/4, 1979, p.300.

65. See Sam Kaplan, "New immigration law must be humane", *The Jewish Western Bulletin*, Vol.XLII, No.26, June 26, 1975, p.2.

66. W. Heward Grafftey, "Quest for an immigration policy", *Canadian Business*, Vol.XLVIII, No.5, May 1975, p.61.

67. J.L. Granatstein and Robert Bothwell, *Pirouette: Pierre Trudeau and Canadian Foreign Policy*, University of Toronto Press, Toronto, 1990, p.272. The following article offers a good analysis of the decision-making process. Cf. George Hanff, "Decision-Making Under Pressure: A Study of the Admittance of Chilean Refugees by Canada", *NS: Canadian*

Journal of Latin American Studies, Vol.IV, No.8, 1979, pp.116-135.

68. Donnela H. Meadows, Dennis L. Meadows, Jorgen Randers, and William W. Behrens III, *The Limits to Growth: A Report for The Club of Rome's Project on the Predicament of Mankind*, Universe Books, New York, 1972. See also Lester R. Brown, *World Without Borders*, Random House, New York, 1972.

69. Grafftey(1975), op.cit., p.61.

70. Her survey does not verify that massive coloured immigration was the main cause. It is, however, empirically known that even in the contemporary period Canadians favour immigrants from the British Isles and Northern Europe over the others. Cf. Tienhaara, op.cit., p.42.

71. Anthony H. Richmond, "Canadian Immigration: Recent Developments and Future Prospects", *International Migration*, Vol.XIII, No.4, 1975, pp.174-175.

72. Norman Campbell, "Ottawa Report: New Immigration Laws For Canada", *Canada Scene*, Issue 892, Oct.19, 1973, p.1.

73. Sanderson(1975), op.cit., p.31.

74. Hawkins(1977), *The Round Table*, op.cit., p.50.

75. George Bonavia, *Focus on Canadian Immigration*, Department of Manpower and Immigration, Ottawa, Jan.1977, p.1.

76. Ibid., p.1.

77. Bonnie Campbell, "Immigration: Four Options for Canada", *The Labour Gazette*, Vol.LXXV, No.5, May 1975, pp.297-298.

78. Martin Loney and Allan Moscovitch, "The Immigration Green Paper in Black and White", *Canadian Dimension*, Vol.X, No.7, Mar.1975, pp.6-7. They write the following:

> It alludes to "novel and distinctive features" of the recent immigration pattern and then quickly reassures us that the remarkable point "is the resilience Canadian society has demonstrated in accommodating so many foreign immigrants during this period with so little stress", (Vol.I, p.12.) Later the paper acknowledges the existence of "concern" in some quarters that "national identity" might suffer and "serious difficulties" arise with the rapid introduction of "new racial groups", (Vol.I, p.16.)

Cf. Ibid., p.5.

79. Richard Thompson, "A Socialist Reply to the Green Paper", in *Canada's Racist Immigration Policy*, Pathfinder Press, undated, p.4.

80. Ibid., p.5.

81. Hawkins(1975), *Queen's Quarterly*, op.cit., p.594. See also Freda Hawkins, "Canada's Green Paper on Immigration Policy", *International Migration Review*, Vol.IX, No.2, Summer 1975, p.245.

82. Freda Hawkins, "Immigration and Population: The Canadian Approach", *Canadian Public Policy*, Vol.I, No.3, Summer 1975, pp.285-295. See Freda Hawkins, "The great immigration debate: Demographic studies needed to supplement Green Paper", *International Perspectives*, Vol.4, Sept./Oct.1975, pp.3-9; see also Warren E. Kalbach, "Demographic Concerns and the Control of Immigration", *Canadian Public Policy*, Vol.I, No.3, Summer 1975, pp.309-310.

83. Wydrzynski, op.cit., p.136.

84. Anthony H. Richmond, "The Green Paper - Reflections on the Canadian Immigration and Population Study", *Canadian Ethnic Studies*, Vol.VII, No.1, 1975, pp.5-21; Gurbachan S. Paul, "The Green Paper and Third World Immigrants: A Subjective Analysis", *Canadian Ethnic Studies*, Vol.VII, No.1, 1975, pp.40-49.

85. C.F. Bentley, "Immigration Increases Food Costs", *Canadian Ethnic Studies*, Vol.VII, No.1, 1975, pp.30-34.

86. Paul Cappon, "The Green Paper: Immigration as a Tool of Profit", *Canadian Ethnic Studies*, Vol.VII, No.1, 1975, pp.50-54.

87. Gordon B. Milling, "Immigration and Labour - Critic or Catalyst?", *Canadian Public Policy*, Vol.I, No.3, Summer 1975, pp.313-314.

88. Ibid., p.315.

89. NAC, RG 76, 83-84/349, Box 196, File 5881-8, Memo from Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, to Robert Andras, Minister of Manpower and Immigration, "Special Joint Committee - Meeting of March 21", Mar.21, 1975, pp.2-3.

90. Ibid., p.3.

91. Ibid., pp.3-4.

92. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.2, Memo from Robert Andras, Minister of Manpower and Immigration, to Mitchell Sharp, President of the Privy Council, House of Commons, "Special Joint Committee - Green Paper on Immigration", Feb.20, 1975.

93. NAC, RG 76, 87-88/093, Box 2, File 5001-11-6-1, Vol.1, Memo from Robert K. Andras, Minister of Manpower and Immigration, to Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, "Green Paper Process", Oct.14, 1974; Memo from Richard Tait, Chairman, Canadian Immigration & Population Study, to Gotlieb, "Green Paper - Consultative Phase", Oct.25, 1974; Memo from Gotlieb to Andras, "Referral of Green Paper to a Parliamentary Committee", Feb.3, 1975.

94. Peter Dobell and Susan d'Aquino, "The Special Joint Committee on Immigration Policy 1975: An Exercise in Participatory Democracy", *Behind the Headlines*, Vol.XXXIV, No.6, 1976, p.3.

95. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.2, Letter from Peter C. Dobell, Director, Parliamentary Centre for Foreign Affairs and Foreign Trade, Ottawa, to Robert Andras, Minister of Manpower and Immigration, Nov.12, 1974.

96. Hawkins(1975), *Queen's Quarterly*, op.cit., p.596.

97. Hawkins(1989), op.cit., p.57.

98. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.2, Memo from Robert Andras, Minister of Manpower and Immigration, to Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, "Green Paper", Feb.5, 1975.

99. George Bonavia, "Canadian Green Paper on Immigration", *ICMC Migration News*, Vol.XXIV, No.4, July-Aug.1975, p.4.

100. This deadline was later extended until the end of October. Cf. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.3, Memo from Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, to Robert Andras, Minister of Manpower and Immigration, "Special Joint Committee - Extension of reporting deadline", June 4, 1975.

101. Bonavia(1977), op.cit., p.124.

102. Dobell and d'Aquino, op.cit., p.5.

103. Ibid., p.4.

104. NAC, RG 76, 83-84/349, Box 196, File 5881-8, Memo from Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, to Robert Andras, Minister of Manpower and Immigration, "Hearings of Special Joint Committees on Immigration Policy", Sept.3, 1975, p.1.

105. Ruth Fincher, "Environmental Claims about the Impacts of Immigration", in Howard Adelamn, Allan Borowski, Meyer Burstein and Lois Foster(eds.), *Immigration and Refugee Policy: Australia and Canada Compared*, Volume II, Melbourne University Press, Carlton, Vic., 1994, Ch.6, p.491.

106. NAC, RG 76, 83-84/349, Box 196, File 5881-8, Memo from Gotlieb to Andras, pp.3-4.

107. Ibid., p.4.

108. Ibid., p.9.

109. Ibid., Memo from James S. Cross, Director General, Special Projects, Immigration, to Richard M. Tait, Assistant Deputy Minister, Special Projects, "Nominated Relatives - Reference by Canadian Labour Congress", Apr.1, 1977.

110. Bonavia(1977), op.cit., p.125. However, Susan Karen Watson points out emotional outbursts, protest demonstrations, shouting matches, the threat of violent confrontation between spokespersons of opposing points of view and so on. Cf. Watson, op.cit., p.96.

111. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.2, Memo from Richard M. Tait, Chairman, Canadian Immigration and Population Study, to Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, "Special Joint Committee of Parliament - Departmental Task Force", Apr.2, 1975, p.1.

112. Ibid., Memo from Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, to Robert Andras, Minister of Manpower and Immigration, "Appraisal of Special Joint Committee on Immigration Policy", May 20, 1975.

113. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.3, Memo from Richard M. Tait, Assistant Deputy Minister (Special Projects), to J.L. Manion, Acting Deputy Minister of the Department of Manpower and Immigration, "Special Joint Committee", July 23, 1975.

114. NAC, RG 76, 83-84/349, Box 196, File 5881-8, Memo from J.L. Manion, Acting Deputy Minister of the Department of Manpower and Immigration, to Robert Andras, Minister of Manpower and Immigration, "Written Submission to the Special Joint Committee", July 14, 1975; Memo from Richard M. Tait,

Assistant Deputy Minister (Special Projects), to Manion, "Special Joint Committee", July 23, 1975; RG 76, Box 2, File 5001-11-6-1, Vol.3, Memo from Manion to Andras, "Submission to Special Joint Committee", Sept.19, 1975; Memo from James S. Cross, Director General, Special Projects, to Raoul Grenier, Special Advisor to the Deputy Minister, "Submissions to the Special Joint Committee on Immigration", Nov.7, 1975.

115. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.2, Memo from Richard M. Tait to Alan E. Gotlieb, "Special Joint Committee of Parliament - Departmental Task Force", Apr.2, 1975, p.3.

116. Nord tries to explain these governmental activities as 'cue giving'. Cf. Douglas C. Nord, "MPs and Senators as Middlemen: The Special Joint Committee on Immigration Policy", in Harold D. Clarke, Colin Campbell, F.Q. Quo, and Arthur Goddard(eds.), *Parliament, Policy and Representation*, Methuen, Toronto, 1980, pp.188-189.

117. The Special Joint Committee of the Senate and of the House of Commons on Immigration Policy [hereafter referred to as SJC], *Report to Parliament*, Ottawa, 1975, pp.1-2.

118. Ibid., p.4.

119. Hawkins(1989), op.cit., p.248.

120. SJC, op.cit., pp.4-7, pp.17-18.

121. Ibid., pp.19-20.

122. Ibid., pp.28-30.

123. Ibid., pp.23-25.

124. Hawkins(1989), op.cit., p.57.

125. Hawkins(1977), *The Round Table*, op.cit., p.58.

126. Sanderson(1975), op.cit., p.36.

127. NAC, RG 76, 83-84/349, Box 196, File 5881-8, Memo from M.G. Perry, Manager, Information Services, Pacific Region, Distributed to Richard M. Tait, Green Paper Co-ordinator, James S. Cross, Green Paper Co-ordinator, Jean W. Edmonds, Assistant Deputy Minister (Immigration), B.M. Erb, Director, Information Services, undated.

128. NAC, RG 76, Box 2, File 5001-11-6-1, Vol.2, Memo from James S. Cross, Director, New Immigration Legislative Project, to Jean W. Edmonds, Senior Assistant Deputy Minister

(Immigration), "Role of Immigration in Relation to CIPS and NILP", Mar.20, 1975, pp.1-2.

129. NAC, 87-88/093, Box 3, File 5001-15-3-4, Memo from Richard M. Tait, Assistant Deputy Minister, Special Project, to J.L. Manion, Acting Deputy Minister of the Department of Manpower and Immigration, "New Immigration Legislation - Interdepartmental Consultation", Nov.5, 1975.

130. Ibid., Memo from Richard Tait, Assistant Deputy Minister, Special Projects, to J.L. Manion, Acting Deputy Minister of the Department of Manpower and Immigration, "New Immigration Legislation - Consultations with External Affairs", Nov.10, 1975.

131. Ibid., Memo from Richard Tait, Assistant Deputy Minister, Special Projects, to J.L. Manion, Acting Deputy Minister of the Department of Manpower and Immigration, "Meeting with B.Robinson, Under Secretary of State for External Affairs, November 27 - Eighth Floor Boardroom, L.B. Pearson Building, 11:00a.m.", Nov.25, 1975.

132. NAC, RG 76, 87-88/093, Box 2, File 5001-10-4-1, Vol.1, Memo from Richard M. Tait, Chairman, Canadian Immigration and Population Study, to Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, "Green Paper - Part Two The Immigration Program", Nov.13, 1974.

133. RG76, 87-88/093, Box 3, File 5001-15-1, Vol.1, Memo from Duncan R. Campbell, Assistant Deputy Minister, Strategic Planning and Research, to Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, "The Sponsorship and Nomination Chair in Immigration", July 14, 1975.

134. Ibid., Memo from J.L. Manion, Acting Deputy Minister of the Department of Manpower and Immigration, to Duncan R. Campbell, Assistant Deputy Minister, Strategic Planning and Research, "The Sponsorship and Nomination Chair in Immigration", July 21, 1975; Memo from Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, to Campbell, "The Sponsorship and Nomination Chair in Immigration", July 24, 1975; and Memo from Campbell, to Manion, Senior Assistant Deputy Minister, "The Sponsorship and Nomination Chair in Immigration", July 28, 1975.

135. "Immigration, Citizenship, Refugees", *International Canada*, Vol.VII, No.11, Nov.1976, p.259.

136. "Highlights of Proposed Immigration Legislation", *Canadian Scene*, Issue 975, Feb.18, 1977, p.2.

137. Ibid., p.2.

138. "Minister Cullen on Immigration Policy", *News Brief*, The Canadian Council of Professional Engineers, 1976, p.5.

139. Hawkins(1977), *International Migration Review*, op.cit., p.81.

140. Ibid., p.83.

141. "Immigration, Citizenship, Refugees", *International Canada*, Vol.VIII, No.3, Mar.1977, p.53.

142. Ibid., p.54.

143. Ibid., p.54.

144. "Immigration: Closing the door - a little", *Canada & The World*, Vol.XLII, No.6, Feb.1977, p.7.

145. "Immigration, Citizenship, Refugees", *International Canada*, Vol.VIII, No.3, Mar.1977, p.54.

146. Wydrzynski, op.cit., p.139.

147. House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on Labour, Manpower and Immigration*, Issue No.11, Apr.5, 1977, pp.46-47.

148. Ibid., p.47.

149. Hawkins(1989), op.cit., pp.75-76.

150. E. Michael Berger, "The Canadian Immigration System 1978-1982", *International Legal Practitioner*, Vol.VII, No.2, Sept.1982, p.15.

151. The Department of Manpower and Immigration and the Unemployment Insurance Commission were integrated and created a Canada Employment and Immigration Commission and a small Department of Employment and Immigration in August, 1977. Cf. Hawkins(1989), op.cit., p.79.

152. The Immigration Act, 1976, Section 79(2).

153. Hawkins(1989), op.cit., p.77.

154. Ibid., p.78.

155. Richmond(1975), *International Migration*, op.cit., p.175.

156. Nord(1980), op.cit., p.191.

157. The 1976 Act has the following:

> 3. It is hereby declared that Canadian immigration policy and the rules and regulations made under this Act shall be designated and administered in such a manner as to promote the domestic and international interests of Canada recognizing the need
>
> .
> .
> .
>
> (h) to foster the development of a strong and viable economy and the prosperity of all regions in Canada;

Various references to the regional balance are also made in other parts of the Act.

The points system revised by the 1978 Regulations came to penalize applicants who intend to go to the areas where their qualifications and skills are not particularly needed. The geographical component of the points system was dropped in the 1985 revision. Cf. Employment and Immigration Canada [hereafter referred to as EIC], *The revised selection criteria for independent immigrants 1985*, Minister of Supply and Services Canada, 1986.

However, Section 114(4) of the 1976 Act explicitly stated that immigrants are free to move and settle anywhere within Canada once admitted.

> 114(4) For the purpose of this Act and the regulations, whenever a person is granted landing and terms and conditions are imposed, no such term condition may specify the area in which that person shall reside.

This section was eliminated by Bill C-86 in 1992. Even so, immigrants' freedom to settle anywhere they like should be protected by a mobility right prescribed by Section 6(2) in the Charter of Rights and Freedoms.

158. The 1976 Act has the following as one of the enumerated objectives:

> (d) to encourage and facilitate the adaptation of persons who have been granted admission as permanent residents to Canadian society by promoting cooperation between the Government of Canada and other levels of government and non-governmental agencies in Canada with respect thereto;

159. Nord(1980), op.cit., pp.181-182.

160. A. Paul Pross, *Group Politics and Public Policy*, Oxford University Press, Toronto, 1986, pp.22-23.

161. Bernard M. Daly, "Immigration Policy: Its Impact on Canadian Society", in Keith A. McLeod(ed.), *Multiculturalism, Bilingualism and Canadian Institutions*, Guidance Centre, Faculty of Education, University of Toronto, Toronto, 1979, p.30.

162. See Doug Collins, *Immigration: Parliament Versus The People*, Citizens for Foreign Aid Reform, Toronto, 1984.

163. Luciano Del Negro, "Canada's Immigration Policy, Immigration Legislation, and Immigration Labour in 1970's", M.A. Thèse, Université du Québec à Montréal, 1984, p.iii.

164. Ibid., p.iii.

165. W.H. McConnell, *Commentary on the British North America Act*, Macmillan, Toronto, 1977, p.304.

166. Garth Stevenson, "The Origins of Co-operative Federalism", in David P. Shugarman and Reg Whitaker(eds.), *Federalism and Political Community*, Broadview Press, Peterborough, Ont., 1989, p.25.

167. Jacques Brossard, *L'Immigration: Les droits et les pouvoirs du Québec et du Canada*, Presses de l'Université de Montréal, Montréal, 1967, p.51.

Only one series of events stand out as an exception to this description of the federal dominance before the revival of provincial government interest in immigration in the final couple of decades of the last century. British Columbia tried to take a restrictive stance in policy towards non-European immigrants. However, the federal government was unwilling to take any action to hold off the Chinese in spite of repeated requests for anti-Chinese legislation from British Columbia, because Chinese labour was absolutely needed for completing the construction of the Canadian Pacific Railways. The B.C. government acted unilaterally to close the door by legislating the Chinese Immigration Act and to restrict coloured immigration in general by legislating the British Columbia Immigration Act, but with no success as the federal government used its disallowance and reservation powers.

168. NAC, RG 76, Vol.780, File 538-8, pt.1, Letter to Provincial Governments, from Walter E. Harris, Minister of Citizenship and Immigration, Dec.2, 1952.

169. NAC, RG 76, Vol.690, File 568-3-23, pt.1, Memo from Tom Kent, Deputy Minister of the Department of Citizenship and

Immigration, to Assistant Deputy Minister of the Department of Citizenship and Immigration, Mar.1, 1966.

170. Hawkins(1988), op.cit., p.191.

171. NAC, RG 76, Vol.723, File 551-25, pt.3, Letter from Sidney Spivak, Manitoba Minister of Industry and Commerce, to Jean Marchand, Minister of Manpower and Immigration, Dec.6, 1966.

172. Pamela O. Menchions, "Federal-Provincial Consultation on Immigration Policy in Canada", M.A. Thesis, Queen's University, 1984, pp.6-7. See also Sheldon E. Gordon, "Is the new immigration drawbridge up or down?", *The Financial Post*, Aug.9, 1975, p.5.

173. R.A. Vineberg, "Federal-provincial Relations in Canadian Immigration", *Canadian Public Administration*, Vol.XXX, No.2, Summer 1987, p.308.

174. DMI, *Immigration policy perspectives*, Vol.1 of *A Report of the Canadian Immigration and Population Study*, Ottawa, 1974, p.ix.

175. NAC, RG 76, 87-88/093, Box 4, File 5001-16-2-3, Vol.3, Memo from Duncan R. Campbell, Assistant Deputy Minister, Strategic Planning and Research, to Robert Andras, Minister of Manpower and Immigration, "Federal-Provincial Consultations on Demographic Objectives and Immigration", Mar.25, 1975.

176. Ibid., Memo from Alan E. Gotlieb, Deputy Minister of the Department of Manpower and Immigration, to Robert Andras, Minister of Manpower and Immigration, Apr.15, 1975.

177. SJC, op.cit., p.62.

178. Ibid., p.63.

179. Menchions, op.cit., p.20.

180. Ibid., p.119.

181. John Harney, "Special Status in Immigration", *The Canadian Forum*, Vol.LVIII, No.681, May 1978, p.4. However, la belle province'ś involvement is restricted to the selection of independent immigrants. Cf. René Marleau, "Le Québec ne contrôle pas son immigration: <Jurisdiction partagé>? Jamais de la vie! Le fédéral dicte, le provincial exécute", *Le Devoir*, le 21 août, 1992, p.13.

182. At the moment, the federal government has immigration agreements with as many as seven provinces, except Ontario, British Columbia, and Manitoba. The business immigration program, which was started in 1978 and which increasingly became important in the 1980's, has provincial input in that the provincial government gives advice on a project's feasibility and promise in consideration of its intended location's outlook inside the province. See Alan Nash, *The Economic Impact of the Entrepreneur Immigrant Program*, Discussion Paper, The Institute for Research on Public Policy, Ottawa, October 1987, pp.4-5.

183. As John R. Wood points out, "Bureaucratic dissatisfaction with the existing 1952 Act centered on the lack of a clear-cut statement of basic principles, the need to update provisions regarding grounds for exclusion, and the need to streamline measures for dealing with terrorists and illegal immigrants." Cf. Wood, op.cit., p.554. The final output, the 1976 Immigration Act, was praised as follows:

> ... its provisions are constructive, politically sensitive, and forward-looking. It creates in itself the positive climate in immigration which ... the 1952 Act had signally failed to do.

Cf. Hawkins(1988), op.cit., p.377.

184. Robert Holton and Michael Lanphier, "Public Opinion, Immigration and Refugees", in Adelman et al.(eds.), op.cit., Ch.5, p.128.

185. See Alan B. Simmons and Kieran Keohane, "Canadian immigration policy: state strategies and the quest for legitimacy", *The Canadian Review of Sociology and Anthropology*, Vol.XXIX, No.4, Nov.1992, pp.421-452.

186. As discussed, Section 7 of the Immigration Act requires the Minister, after consultation with the provinces and with appropriate persons, organizations, and institutions, to lay annually before Parliament the number of immigrants that the new Canadian government plans to admit over a specified period. For example, about 4,000 individuals took part in the most extensive consultations ever undertaken to determine a five-year (1991-1995) term immigration level. The following table shows the planned annual immigration level of, for instance, the calendar year 1992. It is important to be aware that the immigration level is a planning range, not a target or quota.

Table IX The Immigration Level and Components for 1992

Family Class	100,000
Refugees	
- Government-assisted refugees and members of designated classes (selected abroad)	13,000
- Privately sponsored refugees and members of designated classes (selected abroad)	17,000
- Refugees landed in Canada (after Jan.1, 1989)	20,000
Independent Immigrants	
- Principal applicants	21,500
- Spouses and other accompanying dependents	20,000
Assisted Relatives	
- Principal applicants	9,000
- Spouses and other accompanying dependents	16,500
Business Immigrants	
- Principal applicants	7,000
- Spouses and other accompanying dependents	21,000
Retirees	5,000
TOTAL	250,000

Source: EIC, Public Affairs and the Immigration Policy Group, *Immigration Canada: Annual Report to Parliament, Immigration Plan for 1991-1995*, Year Two, November 1991, p.4.

For the consultations for the initial 5-year plan, see Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, 2nd ed., McGill-Queen's University Press, Montreal and Kingston, 1991, pp.xiv-xvi.

CHAPTER SIX Canada's Refugee Policy with a Special Focus on Bills C-55 and C-84

I. Introduction

Canada's refugee policy had always been a significant part of immigration policy even though it seems to have been recognized as a distinctive policy field only in later years. Whether they were explicitly called refugees or not, many of the immigrants settled in Canada were characteristic of refugees in the sense that they did not move voluntarily but were forced out of their countries of origin by unwelcome events beyond their control. This chapter does not intend to describe each refugee movement which took place in the post-World War II period. Instead, it discusses one particular aspect of Canada's refugee policy, that is, the Convention refugee status determination system, which was significantly transformed by two acts of Parliament in 1988. Unlike previous refugee intake policies which were based almost exclusively on the cabinet's *ad hoc* decisions with little societal involvement, these acts were shaped by a much greater level of state-society interaction.

It is the aim of this chapter to assess the two refugee bills passed in 1988 and to discuss the backgrounds against which they were prepared by government policy-makers. A number of questions will be addressed; first, what factors caused the government to enact these Bills?; second, why were these particular measures adopted?; third, which non-state policy players were involved in support of and in opposition to the state's attempt to deal with the particular problem of refugees' asylum-seeking? The policy community that had developed in the area of immigration in the 1970's, faced another task in the following decade, this time in the more specific area of refugee policy.

Although the intake of refugees has existed throughout Canadian history,[1] the 1980's saw a very different evolution of Canadian policy from previous decades. In the face of millions of refugees and displaced persons on the move around the world, the Canadian state came close to losing the privilege of selecting desirable immigrants offshore by placing its officers abroad. A bitter experience with tides of potential immigrants disguised as limited-term visitors in the early 1970's served as a valuable lesson not to offer anyone the opportunity to apply for the landed immigrant status while staying in Canada. However, asylum seekers should be entitled to the chance to claim their Convention refugee status within Canada, which is *prima facie* supported by the principle of "*non-refoulement*" in international law.

That Canada has a perfect right to select immigrants by suitability and adaptability was clearly written into the 1976 Immigration Act.[2] It had been reconfirmed that it is never a right but merely a privilege for an alien to enter and to immigrate to Canada. However, even admitting that the sovereign state of Canada has an inalienable right to select new members of the country, there arise two interesting questions: first, whether Canadian selection standards can be free from any universal values valid beyond national-states[3]; second, whether potential immigrants should enjoy the procedure to have those nationally-made standards fairly applied to them.[4] These points can be scrutinized by studying Canada's response to an ever-increasing number of refugee claimants coming ashore unannounced since the beginning of the 1980's.[5]

Family reunification has been a major obstacle to preventing the government from making the most effective use of immigrants' education and training, but increasingly refugees have become another source of irritation to policy-makers. As Meyer Burstein, Director of the Strategic Planning and Research Branch at Employment and Immigration Canada, argues, these demand-driven categories of immigrants cause "a shift favouring parochial over national interests - that is, a shift favouring the rights of the entrants and their sponsors over the interests of the larger receiving community which are vested with the government".[6] However, domestic asylum seekers turn out to be the toughest to control for the government, even more intractable than the family class. This is because the basis of the latter is not legal in international jurisprudence but merely moral and political in domestic politics. Also the exact scope of the family class can be changed by the government at any time, while the government policy on refugees must work in the wider context of international politics.

The two pieces of legislation examined in this chapter were known respectively as Bill C-55, which established a new determination system and Bill C-84, which provided for fines and penalties for those involved in refugee-smuggling.[7] These were prepared by the Progressive Conservative government to discourage abusive refugee claimants because their sheer number had created so many backlogs as to break down the former Convention refugee status determination system. The new refugee laws came into effect on New Year's Day, 1989. These were the outcome of the government's endeavour nominally "to combine control and regulatory measures with fairness and compassion for bona fide claimants".[8]

II. The Definition of 'Refugee'

Canada has resettled half a million immigrants who can be broadly considered as refugees since the Second World War.[9] This is quite a large number, considering the country's small population. It is, however, important to note that statistics aiming at a comparison among states should not be taken at face value, because the definition of 'refugee' is not universal as discussed later. Moreover, each state has a different refugee status determination system. An international comparison is valid with the proviso that it is a comparison in the number of admitted refugees each country recognizes as such. The fact that Canada's *per capita* intake of refugees is very large does not necessarily imply that it has been generous and humanitarian in its approach to the refugee problem.[10]

Table X Refugees Entered and Resettled in relation to Indigenous Population, Calendar Years, 1975-1990

Top 10 countries

Resettlement Country	1975-1990	Population (in millions)	Ratio (Refugees/Population)
1. Sweden	121,154	8.6	1/71
2. Canada	325,045	26.8	1/82
3. Australia	183,104	17.5	1/95
4. U.S.	1,478,184	252.8	1/171
5. Denmark	29,480	5.1	1/173
6. Norway	21,708	4.3	1/198
7. France	200,030	56.7	1/283
8. Switzerland	22,295	6.8	1/305
9. New Zealand	11,428	3.5	1/306
10. Austria	24,249	7.7	1/318

Source: U.S. Committee for Refugees, *World Refugee Survey 1992*, Washington, D.C., 1992; indirectly from Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis*, Oxford University Press, New York, p.135.[11]

The people of Canada were internationally honoured in 1986 with the Nansen Medal, which is an award offered on the basis of positive involvement in the refugee problem. The Nansen Committee headed by the United Nations High Commissioner for Refugees recognized the major and sustained contribution made by the people of Canada to the cause of refugees in their country and throughout the world over the years.[12] Some maintained that Canada did not deserve this distinction in view of what it had done in the past and what it was doing at the time when the Medal was awarded. The following harsh critique has been offered.

> Our government expresses its concern when it serves our economic, political, or ideological interests to do so. When it does not, our policy is to let refugees rot, or die in camps. Our humanitarianism serves not humanity, but the self-interest of our ruling class.[13]

Whichever picture of Canada's refugee policy may more accurately describe reality, no one can dispute the fact that Canada has taken in a large number of refugee-type immigrants from many parts of the world in various periods throughout its history.[14]

For any discussion of refuge policy, it is important to make the term 'refugee' precise because the definition has much to do with the difficulties encountered in formulating and implementing refugee policy. As an expert on Canada's refugee policy, Gerald E. Dirks points out that "refugees have been a recognizable feature of society as long as mankind has lived in organized groups where intolerance has been present."[15] The number of refugees has increased tremendously, perhaps, on account of the establishment of national borders in the international society whose principal members are sovereign states claiming their indisputable territorial rights. By observing the refugee phenomenon, it seems easy to define the refugee as a type of immigrant who flees from political persecution at home involuntarily into a new country.[16] However, it does not take long to find out that reality is much more complex, which makes it difficult to define the concept narrowly and widely enough.

The definition presently most widely accepted in international law is contained in the 1951 U.N. Convention Relating to the Status of Refugees.

> 1.A.(2) For the purpose of the present Convention, the term "refugee" shall apply to any person who: Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.[17]

The technical defect of the narrow geographical and time specification contained in the original Convention was rectified by the 1967 Protocol Relating to the Status of Refugees, to the effect that events causing the refugee movement do not have to have taken place in Europe prior to 1951.

However widely this definition may be accepted in contemporary international society, it is still subject to many questions. Todd Howland may be right when he states even that "international law constrains the analysis instead of clarifying it".[18] Elizabeth G. Ferris summarizes the U.N. Convention's shortcomings.

> (1) [It] excludes those individuals who are displaced by violence or warfare and who have not been singled out for individual persecution.
>
> (2) [It] excludes those individuals who have been displaced or persecuted because of the violence, but who, for one reason or another, have not left their country of origin.[19]

The requirement of targeting pointed out by Ferris was dropped in the definition of the Organization of African Unity in 1969, which includes those individuals fleeing from generalized conditions of violence.[20] The requirement to be outside their country of origin disqualifies any person suffering from persecution at home with no means of escape. Even when they have been forced to move within their own national boundaries, they are merely displaced people, who do not deserve the political protection of the international community in a strictly legal sense.

Furthermore, even a distinction between economic migrants and refugees, quite clear in theory, is in fact very blurry. Many refugees have an equally important goal of improving their economic well-being, because losses of economic opportunities very often accompany their political persecution and also because refugee-producing countries are usually at once politically unstable and economically backward. Charles B. Keely, who sees refugees as the product of underdevelopment, maintains that the exclusion of 'economic refugees' is sometimes not fair, for economic oppression may be as severe as political persecution.[21] Purely economically motivated, self-select, bogus refugees put aside, it is fair to say that most 'political' refugees leave their homelands for a mixture of political and economic reasons, especially now more so because a predominant majority of refugees originate in the Third World.

Even if political persecution is adopted as the sole criterion for refugee status determination, there are various ways in which the term is put to use. For instance, does some sort of punishment for refusal to fulfil military obligations become political persecution? Do penalties imposed unfairly by trade unions or churches produce justifiable refugees, even though they are not victims of negative action by the government? Ferris presents a cogent argument for clearly defining the term.

> The question of defining refugee status at times appears to be an exercise in semantics when compared with the urgency of the need of those seeking protection. ... Yet, the way in which refugees are defined is an incredibly important issue -- for the safety of the refugees themselves, for the receiving nation, and for the

> sending nation. ... The decision of whom to include and whom to exclude as refugees thus has consequences far beyond the immediate question of "who gets in". The danger, of course, is that by broadening the concept of refugees to include people in other kinds of need -- even equally urgent need -- public support for generous admission policies toward refugees may decline.[22]

For example, when the Federal Court of Canada ruled in favour of a *bona fide* refugee status of a Chinese woman due to her likely persecution for attempting to have a second child, a critic did not appreciate this stretch of the definition because the refugee intake in general "may well fail to maintain public support" by opening a basket unjustifiably widely.[23]

In view of Canada's intake history, refugees are tentatively defined by the author as those who seek refuge outside their national borders to flee from political violence at home. This does not exclude persons who are not particularly targeted for persecution, although violence must come from state authorities. Discrimination or disturbance caused by private parties does not constitute conditions to qualify as refugees. Natural disasters do displace people across national boundaries, but displaced persons in this category have not invoked Canada's protection as refugees *per se*.[24] In the author's view, refugees do not have to be outside their home countries, because some states do not approve of their nationals' right to emigration, which is accepted as a fundamental right in the Universal Declaration of Human Rights.[25]

The right to grant political asylum by identifying refugees is reserved to every state.[26] It is signatories to the Convention Relating to the Status of Refugees, not an international body, nor individuals seeking asylum, that judge who are refugees in concrete cases. This is inevitable in a decentralized, state-centred international society. Therefore, even if more than one hundred countries have acceded to the 1951 Convention, it is quite natural that its interpretations in practical terms should be different from state to state. It is, therefore, possible that refugee claimants whose Convention status is refused in one country are accepted as Convention refugees in another country. Furthermore, there is no possible means of enforcement of international law. It follows that no central authority can check whether each signatory state faithfully abides by the established rules, which it accepted as binding on itself. Thus, the individual's right to enjoy political asylum is contingent ultimately on state actions.

III. The Evolution of Canadian Refugee Policy

Canada did not accede to the 1951 Convention until 1969.[27] This rather protracted inaction was caused, according to Dirks, by "disagreement among officials of the Department of External Affairs and Citizenship and Immigration over the extent to which Canada should participate in intergovernmental agencies working for refugees and over the question of formal adherence to international conventions aimed at their legal protection".[28] For much of the 1950's and the 1960's, the Department of Citizenship and Immigration was most opposed to Canada's formal accession to the Convention because of its reservations about some sections of the document prohibiting the deportation of refugees for reasons of national security. Officials in the Department did not pay much attention to the arguments put forward by their colleagues in the Department of External Affairs for placing the benefits of the international community before Canada's national interests.[29] James Hathaway argues that "[S]enior immigration officials of the 1950s favoured retention of a bureaucratically formulated refugee definition".[30]

As a result of a series of events including the reorganization of immigration and general human resource programmes into the Department of Manpower and Immigration in 1966, the issuance of the White Paper on immigration in the same year, and the rise of younger and more liberal-minded public servants to senior positions in the Department, Canada finally became a signatory to the Convention and its 1967 Protocol in 1969.[31] Thus, Canada officially declared itself to be bound by the international legal obligation to respect the principle of *non-refoulement* and some other statutory norms.

Even though Canada opted to use the U.N. definition as an operating guideline for identifying refugees before its accession to the Convention, it was only in 1969 that it became committed to this international legal agreement to assist refugees as a continuing undertaking.[32] However, as Christopher J. Wydrzynski comments, "because of Canada's constitutional requirements, neither the Convention nor the Protocol can be considered part of domestic law without federal legislation designed specifically for that purpose."[33]

On these conditions the 1976 Immigration Act is the first Canadian legislation to give explicit recognition to Canada's duties and responsibilities towards refugees.

> Canada's refugee admission policy deals with two types of people: (1)individuals outside Canada seeking to gain entry as refugees through application and processing at immigration offices around the world, (2)persons already within Canada who wish to remain and base their requests on a claim to being bona fide refugees as defined by the United Nations Convention on that subject.[34]

Before the 1976 Immigration Act was legislated, refugee policy had "evolved essentially in a de facto and ad hoc fashion in response to specific refugee emergencies, criticisms of the handling of refugees, and public opinion".[35]

Off-and-on governmental activities respecting refugee entry were based on orders-in-council with no recourse to Parliament. The response to many refugee movements such as post-war European displaced people, Hungarian refugees,[36] Czechoslovakian refugees, Ugandan Asian refugees, and Chilean refugees stood largely outside the legal framework of the U.N. Convention, because the admission of refugees was more or less regulated by the condition that they could meet normal immigration criteria. The U.N. definition was rather irrelevant in these cases because they were identified as refugees in need of protection as a whole without any individual close examination.

However, Grant Purves argues that "the years 1949-1975 also saw the cautious ad hoc evolution of a much more distinct refugee policy in which the needs of those refugees who could not meet the criteria for normal immigration began to receive consideration and in which the need of refugees for resettlement on occasion took precedence over the conditions of the Canadian labour market."[37] The selection of regular economic-based immigrants and that of politically-defined refugees gradually bifurcated so that the urgent needs of those endangered were more firmly taken into consideration.

As for persons already in Canada, the Minister of Manpower and Immigration had the exclusive authority to enable aliens incapable of qualifying under normal immigration regulations to remain in Canada before 1973.[38] Then, the provisions of the 1973 revised Immigration Appeal Board Act enabled this tribunal to authorize the landing of refugees on compassionate or humanitarian grounds.[39] While, as mentioned, the U.N. definition was used as a guideline even before 1969, the 1973 amendment to the Immigration Appeal Board Act contained the first statutory recognition of a legal right to remain in Canada for persons claiming to be Convention refugees, that is, refugees who deserve Canada's protection under the Convention definition.[40]

The debate over the Chilean refugee movement, specifically about the Canadian government's unnaturally slow and hesitant response to the left-wing refugees fleeing from a rightist dictatorship, spilled over into the general debate about the principles and objectives of refugee policy that should be included in a new Immigration Act.[41] The Green Paper of 1974, which had one chapter on refugees, argued, like the White Paper of 1966, for the new Act to contain provisions for the selection and processing of refugees. The Special Joint Committee of the Senate and the House of Commons, which was formed in 1975 to consider the issues raised by the Green Paper and the views of the public, argued that the definition of the refugee should be broader than the one contained in the

U.N. Convention because they were quite aware that many real refugee situations were too diverse to be grasped fully by the Convention.[42]

Finally, refugee policy received statutory recognition in the new Immigration Act adopted in 1976 and effected in 1978. The definition of the 1951 U.N. Convention was adopted in Section 2(1) of the Act. In addition, Canada receives so-called 'designated-class' immigrants, whose status is stipulated in Section 6(2), under 'humanitarian' admittances. These people are allowed to settle in Canada because a great many displaced persons, whose Convention refugee status cannot be well proven individually, but who, in miserable plights, apparently need to be resettled elsewhere, deserve Canada's offer of protection. C. Michael Lanphier correctly writes the following:

> The use of "Designated Classes" overcomes the brittleness of a single definition, so that definitions used by Canadian visa officers can more closely fit the characteristics of the particular group of displaced or persecuted persons.[43]

The government thus made regulations to designate classes of persons practically to avoid the excessive rigidity of the U.N. Convention refugee definition. Currently, there are three geographically based 'designated classes' in effect. They are the Indochinese Designated Class, for citizens of Cambodia, the Indochinese Class [Transitional], for citizens of Vietnam and Laos, who arrived in Hong Kong before June 16, 1988 or in any other first-asylum country in Southeast Asia before March 14, 1989, and the Political Prisoners and Oppressed Persons Designated Class, for citizens of El Salvador and Guatemala.[44]

Convention refugees who are obliged to prove their "well-founded fear of being persecuted", by making claims outside their home country, whether in a third country or in Canada, and the four designated classes are currently the two main categories of refugees in Canadian immigration. In addition, Canada has accepted persons deserving of lenient or relaxed criteria "from countries experiencing adverse domestic events, either natural (e.g., earthquakes) or of human origin (e.g., civil war, revolution, or sectarian violence)",[45] by taking humanitarian 'special measures'. However, these persons are not counted as refugees in official Canadian statistics.

As shown in Table IX, the number of refugees to be resettled in Canada is planned by the same group of people who take part in the regular immigration level determination process. In the category of refugees, privately sponsored refugees and those recognized as Convention refugees within Canada cannot be subject to strict numerical control and are presented as estimates because the government has virtually no control over these numbers. If the private sector is very active in bringing more refugees than estimated to Canada or if more Convention refugees than estimated are successfully landed in Canada, the government is obliged to accept them all.[46] The government-supported refugees and designated-class members are geographically apportioned at the planning stage, for example, as in Table XI.

Table XI The Planned Refugee Intake by Region

	1991	1992
Southeast Asia	3,500	2,600
Latin America	2,500	2,300
Africa	1,250	1,000
Middle East/West Asia	2,200	1,800
Eastern Europe	550	300
Reserve	3,000	5,000
TOTAL	13,000	13,000

Source: Margaret Young, *Canada's Immigration Program*, Background Paper 190E, Library of Parliament, Ottawa, Ottawa, January 1989, Revised in August 1993, Appendix 5.

Tanya Basok and Alan Simmons argue that "[T]argeted levels for various regions correspond to Canadian foreign policy interests and its security concerns".[47] Besides, pressures exerted by ethnic and humanitarian groups within Canada, the size of the refugee queue in those refugee-producing areas, the availability of other possible places of resettlement, and the policy and preferences of the local and international organizations work as important factors in this deliberative process.[48]

IV. The Determination of Refugee Status

As Dirks has neatly characterized above, various types of refugees are classified into the two broad categories in Canada's intake policy: offshore and onshore. Although the two seem to be independent groupings in form, they are in fact quite interrelated. What was discussed in the 1988 policy change was primarily the refugee status determination system, more precisely dealing with claims made within Canada to be recognized as Convention refugees. However, it was not completely separate from what was going on outside Canada.

As for Convention refugees from abroad seeking resettlement in Canada, immigration officers assess their general adaptability to Canadian life according to the same factors used to select independent immigrants, although they do not receive a strict point rating.[49] Wydrzynski comments that "[A]way from the watchful eyes of the Canadian judiciary or any domestic adversarial review process, the success of overseas individual applications is subject to potential 'despotic consular absolutism'".[50] However, this arbitrary overseas selection did not cause any great controversy within Canadian society and remained merely a minor concern. This is precisely because the government was in control of the flow, however unjust the system may be. Even though it was natural that those human right and social justice groups concerned with the fate of these refugee claimants should have been more vociferous in this regard, the existence of a quick outlet for claimants, that is, a backlogged determination system within Canada, worked as a buffer zone for potential dissatisfaction.

A tough and arbitrary process abroad gave a strong incentive to refugee claimants to enter the refugee status determination system from within Canada. Dirks succinctly explains the logical linkage between the two systems as follows:

> During the past five years especially, ever-growing numbers of persons have endeavoured to acquire refugee status from within Canada rather than await regular processing through overseas immigration posts.[51]

Michael Schelew, an immigration lawyer, comments on it from his own practical experience.

> With regard to Canada's overseas-refugee determination procedure, I am not satisfied at all that Canadian embassy officials have the necessary training to identify a *bona fide* refugee claimant. Furthermore, a refugee claimant in an embassy does not have the same procedural safeguards as a claimant in Canada.[52]

Refugees preferred to have their claims processed within Canada due to an underdeveloped processing system at overseas immigration posts.

Before the 1976 Immigration Act, the *ad hoc* advisory committee made up of both immigration officials and private individuals nominated by the Minister of Manpower and Immigration operated on an informal basis with no status in law to advise him or her as to the authenticity of claims before the appeals stage.[53] This rather informally established committee was able to function quite effectively when the number of refugee status claim cases to be examined was minuscule.[54] This *ad hoc* committee was replaced in 1978 by the Refugee Status Advisory Committee whose members were to be appointed by the Minister of Employment and Immigration to advise him or her on a determination of whether or not a refugee claimant was a Convention refugee.[55]

If a person was found inadmissible to Canada at a port of entry or had overstayed the allowed time in Canada, an immigration inquiry concerning his or her immigration status (a removal order or a departure notice) commenced. Once he or she claimed refugee status, this inquiry was adjourned and an examination under oath by a senior immigration officer respecting his or her claim took place. His or her claim, together with a transcript of the examination, was forwarded to the Minister of Employment and Immigration for determination. Then, the Minister referred the claim and the transcript of the examination under oath to the Refugee Status Advisory Committee for consideration and determined the case on the basis of the Committee's advice. If the decision was negative, the claimant could have recourse to the Special Review Committee for consideration on humanitarian and compassionate grounds. If rejected again, he or she could make an application to the Immigration Appeal Board for a redetermination of his or her claim.

Not all claimants successfully gained the right to an oral hearing.[56] As Wydrzynski points out, "the Board must first decide on the basis of written material whether on the balance of probabilities there are reasonable grounds to believe the claim can succeed."[57] If an oral hearing was not granted or if the redetermination was again negative, the inquiry was resumed and the adjudicator made the removal order or the departure notice. After exhausting all possible means, the unsuccessful claimant facing removal from Canada could go to the Federal Court of Appeal to set aside the decision of the Immigration Appeal Board.[58]

As mentioned earlier, the inadequacy of refugee determination abroad became an incentive for an unexpectedly large number of claimants' unannounced arrival at Canada's doorstep. Another important reason was found in the other developed countries' changed attitudes to refugees. By the 1980's most refugees now came from the Third World while refugees in search of freedom were formerly associated with the image of Central and Eastern Europeans, especially in the immediate post-war period. Mary Janigan writes:

> In recent years the United States and most western European nations have enacted restrictive legislation that often bars them [refugee claimants] from work and their children from school. As a result, Canada has become an increasingly attractive destination.[59]

Canada kept a relatively lenient system with the Refugee Status Advisory Committee giving the benefit of the doubt to refugee claimants.[60] This and other activities in the field presented at least an impression of deserving the Nansen Medal. As a result, it became an ideal target for people fleeing from the underdeveloped countries for one reason or another within the restrictionist international environment in terms of immigration and, more specifically, refugees.[61]

It was also attractive to refugee claimants that Canada's refugee status determination system afforded them four distinct levels of review on request regardless of the strength or weakness of the claim.[62] The burden of the refugee intake due to claimants' voluntary visit to the country of resettlement was shifted from countries of relatively restrictive policies to those with a more liberal approach.[63] Not only *bona fide* refugees, but abusers of the system who discovered the best means of jumping over a fair queue for reasons of economic well-being, headed for Canada. This was exemplified by two sensational, or more precisely sensationally handled, events.

Desperate for peaceful settlement in a third country, 155 Hindu Tamils from the troubled island nation of Sri Lanka arrived off St. Johns, Newfoundland, by boat, from the Western European countries which did not offer them asylum or good treatment, in August, 1986. The following summer, 173 East Indians and one Turkish woman were dumped off a boat by smugglers making profits out of this human transportation, near a small fishing village in Nova Scotia. Gillian Creese presents the following apt interpretation on the two incidents which impressed the Canadian public.

> The dramatic nature of their arrival by sea, the relentless media investigation into their veracity, and the hyperbole of politicians produced the popular image of an assault on Canada's borders by dishonest and bogus refugees (and in the case of the Sikhs, perhaps even criminals).[64]

While the problem with the refugee determination system had persisted over the years, the sudden arrival of the unwelcome self-select refugees presented government policy-makers with an opportunity to argue strongly for its radical reform.

It is worth noting that these episodes, which involved barely over 300 people, were only a trickle when compared with those already congested in the system. A great number of refugees, genuine or self-select false,[65] entered the refugee status determination system by managing to arrive in person on Canadian soil with a hope of settling permanently in a rich, strife-free first-world country. With the development of cheap air travel, the distinction between neighbouring first-asylum countries and resettlement countries has become almost indistinguishable.[66] In other words, Canada has lost its privilege of being able to select refugees of its own choice abroad. Refugees may now flock, on their own, to Canada even as a place of temporary asylum with an intention to move on to other destinations.[67]

Many of them, genuine or abusers, intending to set up their permanent residence in Canada, arrive here by themselves by air, land, or sea. The following passage explains well the situation in which Canada was placed.

> Refugees, particularly urban refugees, are able to range further afield in search of asylum than the country next door. Refugees already in countries of first asylum, for whom satisfactory solutions have not been found, can take matters into their own hands and move elsewhere in search of better conditions. ... While most of the recipient countries were reconciled at the outset to providing safe haven and probably long-term residence to these unexpected immigrants, it quickly became apparent that the open door for asylum seekers was also accessible to other immigrants. These migrants were primarily motivated by the desire for economic betterment ... The ever increasing number of applications for asylum has inevitably led to backlogs in the processing of applicants. These backlogs have generated greater numbers of applicants as processing times increased.[68]

It is, however, emphasized that, despite the alarmingly high increase in the number of asylum seekers, it can never be known if a particular claimant is a *bona fide* refugee or not until his or her individual case is closely examined.

The backlog of cases was reaching a number which would have amazed those who initiated the existing system. In the first year of the Refugee Status Advisory Committee's operations(1978), 79 cases were backlogged.[69] By 1988, it had increased exponentially to 85,000.[70] Benoît Bouchard, the Tory Minister of Employment and Immigration, declared:

> The existing system was never designed to deal with the growing number of claims or with the large number of false claims to refugee status. It is bogged down and can no longer respond effectively to genuine refugees in need of Canada's protection.[71]

Whichever party was in government, it was imperative to attempt to achieve a new workable system for Canada in this specific field of refugee policy.

V. The Search for a New Workable System

It was the Pierre Trudeau Liberal government, represented by its Minister of Employment and Immigration, Lloyd Axworthy, that started working on improving this slow-moving refugee status determination system.[72] The most serious concern should have been with the increasing inability to cope with the mounting number of claims which were causing the backlog.

Officials in the Department of Employment and Immigration were also feeling threatened about losing secure control over Canada's national borders. However, the report submitted to the Minister by an advisory Task Force, headed by W.G. Robinson, did not adequately deal with these particular problems. Instead, its focus was on the fairness of the determination process in view of the rights of applicants.[73]

Ed Ratushny, a law university professor, was appointed by John Roberts, the new Liberal Minister of Employment and Immigration, to undertake a careful search for a better determination system which would work more swiftly. The report concluded:

> Our present system is riddled with anomalies, inconsistencies and other shortcomings which may not have been foreseeable when it was established. However, subsequent judicial interpretation and increasing pressure created by international conditions have demonstrated that our system is both cumbersome and susceptible to abuse.[74]

It was recommended that any new process should include some kind of preliminary steps to screen out the apparently unfounded cases with the proviso that this elimination process was carried out by those who had good training and enough experience in refugee matters. Despite its attractive speed, a purely administrative model of refugee determination was rejected because in its fundamental nature the determination of refugee status was never the same as immigration enforcement. On the other hand, a purely judicial model was to be avoided because it would move so slow. Ratushny opted for a quasi-judicial process as the best alternative.

Then, Roberts called on Rabbi W. Gunther Plaut to study these materials further and to produce at least two possible models for a fair and, at the same time, efficient refugee determination process.[75] Plaut outlived the Liberal government to present his report to the Tory Minister, Flora MacDonald in April, 1985. He proposed three models: A) an oral hearing before a three-member panel with an appeal to the Federal Court of Appeal; B) an oral hearing before a one-member panel, with a paper review by a three-member panel in Ottawa and with an appeal, by leave, to the Federal Court of Appeal; C) an oral hearing before a one-member panel, with an appeal which would take the form of a new hearing before a three-member panel of the appeals section of the new refugee board and with a final appeal, by leave, to the Federal Court of Appeal.[76] It should be noted that none of these models foresaw the immediate removal of claimants unsuccessful at the pre-screening stage.

The House of Commons Standing Committee on Labour, Employment and Immigration studied the Plaut Report in detail by inviting representations from the key actors in the refugee policy community to hear their interests and concerns on the matter. Among these included religious groups, humanitarian groups, social justice groups, refugee-aid societies, ethnic organizations, immigration lawyers, and academic experts. The Standing Committee made its own proposal for a better refugee determination system. It suggested that a two-member panel should make the initial decision with two unanimous negative decisions needed to reject a claim and with an appeal, by leave, to the Federal Court of Appeal.[77] This model did not envision that unsuccessful claimants would be excluded out of Canada immediately upon the initial negative decision, either. The Minister of State (Immigration), Walter McLean, showed his satisfaction with the proposed model, which was the result of the hearings held with a great variety of societal groups.[78]

Whatever the politicians' motives may have been in terms of refugee intake, senior bureaucrats in this policy area were intent in keeping tight control over the power to determine who would be allowed into the community and to set the processes used to permit membership.[79] An experienced mandarin in charge of refugee policy, Ralph Girard, explicitly states that there is a persistent belief among policy-makers that "protection through resettlement is the most effective way for Canada to assist refugees".[80] Despite the fact that Canada became a signatory to the 1951 U.N. Convention, he and many other senior Immigration officials are still reluctant to admit refugees' special status in regard of their right to enter another sovereign country and to stay there.[81] Simply put, "they wanted Canada to choose refugees rather than have refugees choose Canada".[82]

On the basis of the firm idea that refugees are merely immigrants in one special category,[83] these bureaucrats formed their own task force on refugee determination. This Refugee Determination Task Force was headed by Girard and consisted of a group of officers from the Departments of Employment and Immigration and External Affairs.[84] The Task Force concentrated on the whole issue of refugee legislation and specifically on the drafting of a new refugee bill.[85] This is the main body which made the overall framework for Bill C-55.

VI. The Two New Bills

Against the above-mentioned background, the two refugee bills were introduced by the Progressive Conservative Minister of Employment and Immigration, Benoît Bouchard. They were designed to discourage abusive claimants because their sheer number had created backlogs which were slowing down the refugee status determination system. It was considered by policy-makers and Canadians at large[86] to be the outcome of a legitimate and long-awaited attempt to reconcile "generosity in admitting genuine refugees" with "the effectiveness and fairness of Canada's control of immigration".[87]

Bill C-55 replaced the Refugee Status Advisory Board and the Immigration Appeal Board with the Immigration and Refugee Board, which consists of two divisions: the Convention Refugee Determination Division and the Immigration Appeal Division.[88] Not all refugee claimants would be permitted access to the Refugee Board. Those arguable claims and those where doubt exists could proceed to the Board. People who were already provided with refugee status elsewhere and people who arrived from 'safe third countries' where they had a claim or a reasonable opportunity to make one would be returned to those countries. People who made manifestly unfounded claims would be returned to their country of origin. People whose refugee claims were previously rejected in Canada and people who were subject to removal order could not proceed to the Board, either. This particular judgment about who could go beyond a preliminary step to the Board would be carried out by a panel of two people: an immigration adjudicator and a member of the Board. A unanimous decision would be required to refuse refugee claimants' access to the Board.

Those whose claims are referred to the Board have an oral hearing before two members of the Refugee Board. The claim is accepted to be a Convention refugee if either one of the two members supports its authenticity. Claimants accepted by the Board can apply for landing. Claimants retain the right of appeal by leave to the Federal Court only on a point of law, even after they are removed from Canada. The process of decision-making was non-adversarial.[89] In other words, the Board members would not try to prove the claimant wrong. The benefit of the doubt is as before given to the claimant. If the claim is rejected, reasons must be revealed.

While Bill C-55 was tabled in Parliament on May 5, 1987 after a long deliberate and careful reflection on the issue, Bill C-84, that is, the Deterrents and Detention Bill, gave an impression of having been hastily drafted in response to the incident of East Indians' dramatic clandestine arrival in Nova Scotia. The federal government recalled Parliament, which was in summer recess, to introduce the Bill on August 11, 1987. It seemed very probable that this Bill was the output of one month's legal work. Bill C-84, which was designed to stop abuse of the refugee status determination system and to respond to security concerns with firm deterrent measures, would give the government the power to increase penalties immensely for smugglers and their abettors, to impose heavier fines for transportation companies which bring undocumented people to Canada, to detain people who arrive without proper documents until their identity could be established, and to detain people who pose a criminal or security threat until they could be removed from Canada.[90]

The measure to penalize smugglers was supplemented with one to direct vessels suspected of carrying persons who intended to enter Canada in contravention of Canada's immigration law to leave Canadian waters and one of search and seizure to inspect smuggling activities. The measure to penalize transportation companies went with one to authorize them to hold travel documents of people coming to Canada. The measure to detain undocumented people would empower a senior immigration officer with the authority to order detention for up to 7 days with a possible extension for an additional 21 days or even longer. The measure to detain those who pose a security threat or who have committed serious crimes would serve the very purpose of denying such persons access to the refugee status determination system by removing them swiftly from Canada.

VII. The Criticisms from Societal Groups

What Bill C-55 proposed was a disappointment to many people who had been advocating various alternatives for a new refugee determination system. Canada's unique refugee periodical, *Refuge*, had an editorial titled "Betrayal" when the outline of the proposed system was finally revealed by the government.

> Current proposals in preparation for consideration are an insult to Parliament, a travesty of the consultative process, disrespectful of the results of thoughtful and humane consideration, and another formula for embarrassment for the Mulroney government. Refugees have been betrayed. Religious, humanitarian and ethnic leaders have been duped. Rabbi Plaut has been misused. And the considerations and fundamental conclusions of a Parliamentary Committee with a majority of Tories have been rejected.[91]

It would have been truly a betrayal if the proposed system had been contrary to the overall consensus among non-governmental organizations and the report of the Standing Committee of Parliament on Labour, Employment and Immigration, which was developed after a year's consultation.[92]

These non-governmental organizations' major criticisms of the Bill are summarized broadly under the following three areas. First of all, the right of access of everyone seeking admission at a port of entry to the refugee status determination procedure with an oral hearing was flatly denied in Bill C-55. The two gatekeepers of the government's appointment could send back refugee claimants coming from safe third countries with no second thought. It would be the Cabinet that will draw up a list of those safe countries. Jeffrey Simpson writes:

> Good luck to the Cabinet. And good luck to the government if it thinks some of these "safe countries" will take back those who arrive here. ... With so many other countries toughening their

> rules, the Canadian government's hope that refugees landing here can be turned back and accepted with open arms by so-called safe countries is dubious.[93]

Moreover, as Schelew points out, "the power given the Cabinet to choose safe countries will add politics to the process, seriously damage the integrity of the system and possibly put genuine refugees at risk".[94] The concept of 'manifestly unfounded claims' was also potentially quite dangerous. Manifest to whom? The judgment relied only on a pair of persons whom refugee claimants saw before gaining access to the Board.

Independence of the refugee determination body and its refugee officials from the Department of Employment and Immigration was not complete. The rationale for this reasoning is that "the skills and training of immigration law or for the selection of persons for immigration are very different from the skills needed to make a judgment under international law designed to protect a refugee from return to persecution in a country of origin".[95] The Immigration and Refugee Board was guaranteed independence as the former Immigration Appeal Board had been. However, access to this neutral Board was in the shadow of the government.[96] Although the government emphasized the independence of one of these two gatekeepers, who was a Refugee Board member, as a secure safeguard, how much responsibility could rest on one person's shoulders?[97]

Thirdly, Bill C-55 did not contain a good, reliable appeal system. The following sentence is quite to the point: "the bill may err on the side of exclusion rather than of sanctuary."[98] Schelew writes very precisely:

> The federal Court of Canada will hear an appeal only if there is an error in law. Because refugee claims are primarily based upon findings of fact and credibility and not legal questions, appeals that are limited to legal technicalities have little likelihood of being heard.[99]

As Plaut points out, "human judgment is often faulty and a review will help to safeguard the accuracy of the decision and the fairness of the process by which it was reached".[100] The undesirable absence of a guaranteed right to appeal was against the tradition of a liberal democratic society and against the spirit of the Canadian Charter of Rights.[101]

In an overall assessment, the Bill responded to the most pressing need, that is, expedition. Bill C-55, which proposed only three steps to follow, surely shortened the period of time it would take to determine refugee claimants' status. Plaut was against this proposed new refugee status determination process because of an automatic, machine-like first step with no universal oral hearing right, given his basic contention: "have a fair, efficient, rapid system and like magic the bogus refugees will dwindle away."[102] Those who were opposed argued that the proposed system was so speedy (72-hour decision at a preliminary hearing) that it ceased to be fair.[103] It was good to be quick for those persecuted and in need of refuge because they could have their status determined to avoid long-time uncertainty full of distress[104] and also for Canadians in general because it could restore their confidence in the system they were losing support for.[105] Being too quick, however, was not good for anyone except those whose principal preoccupation was to control the national borders.

Bill C-84 faced more vehement reactions than Bill C-55 from those parties concerned with refugee issues. First of all, the power of the Minister of Employment and Immigration to turn away ships which are in or approaching Canadian waters "would likely run afoul of Canada's obligations under the United Nations Convention on Refugees, which commits us to due process in determining who is a refugee and ensuring that no refugee is sent to an unsafe country".[106] Canada, a signatory to the Convention, had a fundamental obligation to hear the claims of persons who arrived at its borders maintaining that they would face persecution if returned to their country of origin. Although ships would be turned away only if the Minister believed on reasonable grounds that they were bringing any passengers to Canada in contravention of the Canadian Immigration Act, how possible would it be to sort out real refugees from abusers without stopping them, boarding them, and assessing each person's claim?[107]

According to Hathaway, turning away persons seeking protection as refugees was in violation of the *non-refoulement* requirement of the Convention.[108] It was thought that giving every claimant an opportunity to prove his or her Convention refugee status was part of the *non-refoulement* principle.[109] The Bill was designed to place a group of people prejudged to be abusers with no valid examination outside the refugee status determination system and even outside protection of the Charter of Rights. Gail E. Misra posed a decisive question.

> ... if Canada claims sovereignty over its internal waters and territorial sea, then would not the *Charter* apply as soon as a government official stops a foreign ship in these waters, boards it, and invokes Canadian law?[110]

Aside from Canada's legal obligations, turning back ships was deemed to be bad policy.

> It would let captains escape the stiff punishment set out elsewhere in the bill. If the idea is deterrence, the boats should be escorted into port and seized, the captains arrested and the

> passengers held for assessment.[111]

Barbara Jackman reasoned that smugglers would take their chances and would attempt to land clandestine arrivals knowing that at worst the ship might be turned away by Canadian coastal vessels[112] and that the captain might set the passengers adrift at sea to be rid of them.[113]

Secondly, arbitrary detention undoubtedly provoked the question of *habeas corpus* under the Charter of Rights. Refugee claimants may be detained for 7 days by a senior immigration officer with no court appearance or hearing. After this initial detention, a further 21-day detention could be certified by the Minister of Employment and Immigration with no explanation or justification but waiting for establishment of identity. Thereafter, an adjudicator may leave the claimant in detention for successive 7-day periods indefinitely. Security risks would be detained until their removal from Canada at the earliest date possible. The Charter of Rights has the following sections.

> 9. Everyone has the right not to be arbitrarily detained or imprisoned.
>
> 10. Everyone has the right on arrest or detention
> (a) to be informed promptly of the reasons therefor;
> (b) to retain and instruct counsel without delay and to be informed of that right; and
> (c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Jackman said apprehensively:

> It [Bill C-84] has been so hastily drafted that it does not match up with our Charter obligations. It's draconian and arbitrary -- and it will result in the detention of real refugees.[114]

The Charter of Rights entrenched in the Canadian constitution in 1982 helped lawyers and academics to raise many human rights issues in a stronger form in refugee policy debates.

Thirdly, Bill C-84 would prosecute those who organize or assist persons in making fraudulent refugee claims. Because the language of the draft was so broad as to make it illegal to assist persons without a valid visa, members of secular and religious organizations who had given aid to refugees for humanitarian and compassionate reasons could be potentially criminalized. It was a known fact that most genuine refugees arrived in Canada with no visa simply because they could not wait for visa processing in their country of origin and because their imminent danger made it very difficult, or impossible, to take a normal route. Sergio

Marchi, a Liberal immigration critic, appropriately posed an incisive question, "How can the minister justify making the action of a priest, nun or layman who genuinely helps individuals in need an act of civil disobedience".[115]

Fourthly, Bill C-84 would allow search and seizure without judicial authorization. This was also perceived as being apparently in violation of the Charter of Rights, which provides that "[E]veryone has the right to be secure against unreasonable search or seizure".[116] An immigration officer or a peace officer would be empowered even to "break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing".[117] William Angus and James Hathaway were right in writing that "clearly the search and seizure provisions of Bill C-84 need to be subjected to reasonable limitations if they are to survive Charter challenges and be consonant with respect for individual rights".[118]

VIII. The Politics of Refugee Policy-Making

John Wood tells us that "the politics of refugee policy-making in Canada are somewhat different from the politics of immigration policy-making in general".[119] As has been argued in previous chapters, a number of large, well-organized ethnic groups, a variety of multicultural organizations, and other powerful interests concerned with Canada's labour and demographic needs, have exerted some influence over bureaucrats, M.P.'s, party leaders who, in turn, constantly attempt to maximize their support bases with regard to immigration policy. Alternatively, interests concerned with refugee policy are electorally much less significant so that they need to rely on the good will, conscience, and political influence of others. A refugee policy debate raises something more than the interests of the state, groups and organizations, or individuals.[120] It raises questions of human rights, moral obligations, and the possibility of a universal standard beyond the nation-state.

Refugee policy often brings moral and legal arguments into debate.[121] As the late Kathleen Ptolemy wrote: "Canada's concern that its 'liberal policies' will attract increasing numbers is a real one, but the solution is not to become part of the problem, but part of the solution",[122] such a view was not likely to be applicable to a general immigration debate. Humanitarian critics appealed to the government that Canada must devise a refugee status determination procedure which would become a model for the rest of the world. It was hoped by them that the government would modify the refugee status determination system in accordance with Canada's international obligations and with the spirit and the letter of Canada's Charter of Rights. David Berger said appropriately:

> Let us not forget that Canada is the second-largest country in the world. Canada has a very small population, compared with most other countries. Canada's natural resources are plentiful. Which country will maintain a generous attitudes(*sic*) toward refugees if Canada doesn't?[123]

Given Canada's potential capacity for more people than the other, more densely populated, advanced countries, it was not considered by moral-minded people to be a legitimate and clever solution to the problem Canada faced by pursuing the unbecoming act of passing the responsibility to other countries.[124]

The members of the policy communities in immigration and groups supportive of refugees are to a certain degree overlapping, but never completely the same. They remain more or less two distinct entities which act according to different interests. An academic expert on the refugee question, Creese raises one potential area of conflict between the two communities that enhanced the government's position.

> It allowed the state to gain support for a general clampdown, from both the anti-immigration sector of the public and from ethnic communities who favour higher immigration levels but believed these refugees were illegally entering Canada while their relatives waited patiently in the immigration line.[125]

Charles M. Campbell, a former Vice-Chairman of the Immigration Appeal Board, supports this idea of competition between the two by pointing out that decently qualified applicants battled in vain for clearing Canada's immigration bar while, irrespective of their skill levels, refugee claimants were taking advantage of the cumbersome system, which was being overwhelmed by the sheer number of applicants.[126] This confrontation between the two policy communities was in a way artificially created by the state because it attempted "to treat refugees like immigrants, selecting only those most suitable for domestic reasons, while attempting to close the doors on spontaneous convention refugee arrivals even if they may be most in need of safe haven".[127]

The tabling of Bill C-55 caused an outcry from the labour movement, churches, and immigrant and refugee aid groups, which maintained that the government was altering its previous policy of 'openness'.[128] As mentioned above, Bill C-84 received still more vocal and harsh criticism from lawyers and academics,[129] and even from unfamiliar actors on the scene, such as air transportation companies, who might face penalties for bringing in undocumented passengers. On the other hand, most other opinion leaders, who constituted the attentive public, more or less agreed with the government's attempt to regain control of the Canadian border and of the refugee status determination process.[130]

It seems true that the Canadian population, which was very divided in its response to the Bills, was not accurately informed about the issue to make their own judgment.[131] Bouchard's statement that he was just doing what the majority of Canadians wanted him to do about a serious refugee situation[132] was not taken as a convincing rationale for his action by those opposed to the Bills.[133] Although there is evidence that the majority supported tougher refugee rules,[134] it is likely that this generally negative public attitude was fuelled more by the media and the governments whose sensational treatment of two isolated incidents boosted the gravity of the issue than the Canadian public's adamant opposition to an open refugee policy.[135]

In any case, there is no doubt that the Mulroney government, support for which was hitting bottom in public opinion polls, took advantage of the opportunity offered by the refugee crisis to restore its popularity.[136] Politicians were not, however, the only ones with an interest in doing something. Wood presents a cogent argument about the link between the bureaucrats and the politicians.

> From the standpoint of the humanitarians, the more significant threat to the refugee interest are the bureaucrats of Employment and Immigration Canada(EIC). ... There are individual bureaucrats who are eager to help genuine refugees and are proud of Canada's record of protecting them. As rule-minded guardians, however, their overriding concern is effective control over refugee intake, and after that the efficiency of procedures, from selection to settlement. ... The politicians, particularly those in the cabinet, have the difficult job of determining which policy will offend the fewest interests. They are especially vulnerable to pressures from bureaucrats, who have information and experience and can embarrass a minister by calculated leaks to the press.[137]

Thus, a small core of Tory backbenchers and the portion of the public supporting them, who maintained the idea that, as a general rule, no one should be allowed to claim refugee status within Canada, along with civil servants anxious to control Canada's borders combined with the more pragmatic politicians, who quickly and shrewdly responded to the public backlash against the unrestrained entry of self-select refugees, led the government to introduce the new legislation.[138]

Creese points out that "[T]he real impetus behind closing the door on refugees has more to do with the geopolitical realities of refugee production and the need to control the types of refugees admitted than it does with the actual number of false refugee claimants entering Canada".[139] Politicians, who are generally concerned with keeping their jobs in Ottawa, did not have a clear idea on the best means of handling the pressing refugee question, although they had to find it in the least offensive way. They relied on the bureaucracy equipped with all essential expertise in this area of policy-making. Those responsible bureaucrats who were on the Task Force finally convinced their elected masters that refugees should not be able to come to Canada on their own to claim status, but should be selected from abroad by Canadian immigration officials.[140]

IX. The Committees in the Two Houses

Despite the above-mentioned aspects of Bill C-55, which did not follow fully the advice of the Standing Committee or the refugee groups, it seems that senior bureaucrats, who were the main driving force behind the Bill, were not totally indifferent to the interests of these groups. Appearing as a witness on the House of Commons Legislative Committee on Bill C-55, Girard said the following:

> The consultative process did produce a lot of things in Bill C-55. The overall consultative process produced the model of determination; that is, the two-member panel with split decisions going in favour of the person concerned. The consultative process produced the non-adversarial format. It produced the concept of an independent refugee board. It produced the idea that a successful claimant should have the right to apply for landing in Canada rather than rely on the Minister's discretion as is now the case.[141]

Then, he explained the cogent reason for disregarding the Standing Committee's strong recommendations on the question of universal access to the Board and on that of the appeal. The seemingly careless negligence was in fact a result of deep consideration on the part of the policy-makers.

> There is a constant foot-race between those people who can produce volumes of claims and those of us who have to provide the administrative structure and provide the capacity to hear those claims. That kind of structure risks bottle-necks and it risks the kind of backlogs with which we have to contend ever since the current refugee system was brought into effect through the 1976 act.[142]

While government policy-makers thought it wise and even necessary to consult the domestic groups about the very problem they were facing, they declined to make the concession on these two crucial points, around which the disappointed parties' criticisms centred.

In 1986, *ad hoc* legislative committees started being appointed in the House of Commons to study important bills in more detail than the relevant Standing Committees would allow.[143] Accordingly, two Committees were promptly formed respectively to review Bill C-55 and Bill C-84 in 1987. They certainly offered appropriate forums for the usual important non-state groups in the refugee policy community, such as church groups, refugee aid organizations, immigration lawyers, and human rights organizations, to express their uniformly negative views on the Bills. They succeeded in bringing various shortcomings of the Bills under a light. However, they did not propose any concrete recommendations to the House of Commons.

The Senate was expected to be the last chance to stop the two controversial refugee Bills because this appointed upper chamber was dominated by the Liberals. The Canadian Senate has a constitutional right to kill legislation passed by the House of Commons, although this power is questioned in a modern democracy where Senators are appointed in contrast to the elected M.P.'s. The Senate toured the country conducting hearings on the two Bills which served in the view of critics an opportunity to at least educate the public about the disastrous impact of the two pieces of legislation.[144] The Canadian Council for Refugees, a coalition of humanitarian groups and ethnic and multicultural associations, the Canadian Labour Congress, immigration lawyers, academic experts in this field, and others presented their arguments for improving or drastically changing the proposed legislation.[145]

However, the Senate could not help the Canadian public to understand what Bill C-55 and Bill C-84 really meant to desperate refugees. As is always the case, the public gave a higher priority to bread and butter issues, despite Howard Adelman's contention that "nothing is more central to Canada than who we allow to become members of our Canadian community and the processes adopted to permit membership".[146] Weary of the incoming tides of refugee claimants portrayed as self-select by the government and the media, the Canadian public's concerns vis-à-vis these special type of immigrants did not alter the course of the government's refugee policy when the next election was looming.

Adelman finds the major reason for the refugee issue not becoming an election issue in the weakness of the pro-refugee lobby and the somnolence of the anti-refugee lobby lulled into contentment by the new legislation.[147] According to him, the uniform and adamant opposition of the weak pro-refugee lobby to the refugee Bills made the stronger anti-refugee lobby faultily judge that the legislation favoured their position. Thus, this issue did not cause a nation-wide controversy at the grass-roots level, although it was discussed along party lines.[148] In addition, the refugee issue was, like any other, sidelined by the Canada-U.S. Free Trade question.

The Senate capitulated on July 21, 1988 and the two refugee Bills received Royal Assent on the same day. However, the Senate was successful in amending some parts of the Bills. The new Minister of Employment of Immigration, Barbara McDougall, agreed to eliminate the most controversial section, which gave the Minister the power to turn away ships.[149] Moreover, the new refugee determination process was implemented initially without a safe third country list.[150] Further, the Minister made it clear that there would be no amnesty for the backlog and that each of the 85,000 people whose claims had not yet been heard would be individually assessed for their claims' credibility, even though it would take at least two years to clear the backlog accumulated since May 1986, when the last administrative review was carried out.[151]

The United Nations High Commissioner for Refugees gave advice on a safe third country clause.

> ... if they have a credible basis for a well-founded fear of persecution in the country issuing them the travel document, then there would be an exception to the rule that they would be inadmissible. It means they would have to be referred to the refugee board, and we would ask for a similar exception for those who come from a safe country and have a credible base to fear persecution in that safe country.[152]

Its representatives also had reservations about the pre-screening stage itself, which would prevent refugee claimants from having full hearings on the Board.[153] Although they did not declare outright that the act of sending away ships, which are alleged to be full of bogus refugees, contravened the U.N. Convention, they expressed their hope that the *non-refoulement* principle would not be infringed upon because of this action.[154] It is true that Canadian policy-makers had to be increasingly responsive to the external environment, but the power of this particular international body in charge of refugees was advisory at best.

X. After the Operation

The new refugee determination system which was designed to improve the former system's slow-moving operation in efficiency in the face of genuine or artificial international pressures raised many concerns, including some already mentioned. First of all, the newly established Immigration and Refugee Board's appointed members' competence and seriousness, that is, their general aptitude for handling delicate refugee issues, were questioned. Anxiety about their qualifications was expressed even before the beginning of the operation,[155] and turned out to be well-grounded.[156] Schelew informs us that, as Amnesty International reviewed the rejected cases very carefully, the following fact has been discovered: many Refugee Board members have not applied the credible basis test properly at the initial hearing, nor have they applied fairly the test of who is a genuine refugee to claims referred to the Refugee Board for a full hearing on the merits.[157]

The Canadian Council of Churches attempted to bring the new refugee determination system to the Court to argue for its unconstitutionality on a number of points.[158] Although "Canada's new refugee law survived its first legal challenge with a Federal Court judge's ruling that one chance to prove refugee status is enough to satisfy the Charter of Rights and Freedoms",[159] the deficiency of the appeal system must be remedied for the sake of justice.[160] The effect of costly and time-consuming court action is still to be seen on various other elements in the future.

Third, a preliminary check which got in the way for refugee claimants came under reconsideration not so much for Charter reasons as for its costs. In the two-stage determination system, the first step raised a reasonable apprehension among refugees and refugee advocacy groups because one of the gatekeepers was a government official.[161] It was found to be not only redundant but very costly. Although immigration is in practice usually not an exorbitant portfolio area in comparison with other human services such as education, health, and welfare,[162] it was often reported that this new determination system was eating up a heap of money from debt-ridden state coffers even when compared with many other First-World countries of resettlement.[163] The pre-screening process was eliminating only 8 percent of the claimants.[164] The expensive but ineffective first-stage hearing was finally done away with by Bill C-86,[165] which came into effect on February 1, 1993.

Whether this preliminary step was the major reason for reducing the number of refugee claimants within Canada or not, one must admit that immigration bureaucrats succeeded temporarily in tightening control over the entry system. In the beginning of the operation, Simpson praised the determination system as fair and efficient.

> The word is obviously spreading that Canada, while still appropriately eager to accept genuine refugees, is no longer a pushover for economic refugees and other bogus claimants. So the board's high rate of favourable rulings is a testament to how well the law is working. It is discouraging the bogus claims and ruling generously for those with plausible claims.[166]

This was short-lived, however, as the number of refugee claimants has increased since[167] and the ratio of favourable decisions fell nearly 50 per cent.[168] The acceptance rate is likely of secondary interest to senior policy-makers, who have long held the idea that spontaneous inflows of refugees should not be tolerated in the first place.[169] Their main preoccupation is the rise in the sheer number of claims from Canadian soil, which revive the seemingly chronic problem of backlogs.[170]

As Adelman suggests, 'determination', when associated with refugees, must retain a positive connotation associated with a fair processing of claims, instead of developing a negative connotation associated with deterrence.[171] Plaut argues that Canada's new refugee laws are based on the perspective which "makes us treat them as potential fakers", instead of the one which "treats each claim as potentially truthful and goes from there".[172] The top civil servants of the Department of Employment and Immigration achieved their goal, that is, to control.[173] However, there should be "an unspoken assumption that Canada could afford to be careless about a few fraudulent refugees slipping in alongside genuine claimants since, in a land as rich and empty as this, immigration should be encouraged".[174] The government abandoned its initial plan to prepare a list of 'safe third countries', likely because of the difficulties involved.[175] However, the concept has been revived in Bill C-86, which was passed in November, 1992, to strengthen further control over refugee intake.

XI. Conclusion

What the government intended to formulate was a well-ordered admission process, hopefully not at the expense of fairness and justice. Senior civil servants of the Department of Employment and Immigration have consistently sought to maintain control over the immigration inflow.[176] This was the reason they favoured restricting self-select refugees' untrammelled movement into Canada in the 1980's. David Matas writes as follows:

> Denying access to refugees was not part of the Conservative platform in 1984, but it was a bureaucratic initiative to which the Tories were ideologically receptive.[177]

It was knowledgeable and influential bureaucrats who lobbied for the safe third country concept and won at the time of enactment, and who are now lobbying hard for the power contained in the legislation to be used against what they viewed as a continuing bothersome problem.[178] The Cabinet took the stance that "the backlogs of fraudulent claims can be avoided only by reducing the time and the steps involved in determining status".[179]

It should not be forgotten that Canada is, like more than one hundred other countries, a signatory of the Refugee Convention. The essence of this fact is that refugees who fall under the Convention' definition, who fear being persecuted in their home countries, are supposedly entitled to Canada's protection. Canada would violate international law by attempting to deprive potential Convention refugees of the opportunity to claim refugee status within Canadian territories. Plaut argues that Canada's refugee laws are maliciously based on the perspective that refugees are the kind of immigrants who are crafty to circumvent the legitimate rules to sneak through a back door.[180]

Unlike regular economic immigrants, Convention refugees could normatively reverse the master-servant relationship between the state and potential immigrants, although Girard and other senior bureaucrats are unwilling to admit that they enjoy any special right of entry to Canada.[181] In theory, as a party to the Convention, Canada cannot set its own arbitrary refugee policy completely free from the moral and possibly legal obligations imposed on the Convention. In addition, in the real world, various non-state actors exert considerable pressures on the government to change its policy orientation, for example, the tendency to pick the skilful and the young over others in overseas refugee camps for the purpose of demonstrating its fulfilment of the token shared international burden.

The decentralized international system contains an inherent contradiction. Despite the Refugee Convention, which curtails each signatory's power to control the flow of refugee claimants into its own territory, there is no central authority to enforce each state's obedience to the law. With the variety of refugee determination systems found in the world, crafty migrants plot asylum shopping from one country to another, with most seeking entry to the most generous country. The idea of the safe third country was born to prevent such ingenious vagrants from so-called asylum-shopping. Adelman correctly writes the following:

> It is a system based on putting the greatest pressure on the weakest (or fairest, though the two are not equivalent) access point in the system, thus pressuring everyone to tighten up rather than attempting to create a system that is fair to refugee claimants, fair to those responsible for carrying out the responsibilities of controlling borders and processing claimants and, most of all, fair to the refugees themselves.[182]

The vicious outcome has been responsibility-shirking among many countries of first asylum and resettlement around the globe.

The two refugee Bills came out of the combined efforts of politicians, who were responding to the prevailing anti-refugee sentiment and senior bureaucrats, who felt insecure about their management of immigration. Their efforts to undertake this enterprise were enhanced by the two very sensational (anyway treated as such by the media) events,[183] which were, in fact, about the entry of only a tiny number of self-select refugees compared with the large number of refugee claimants, genuine or false, whom the country was receiving daily and who were causing a delay in the existing status determination system.

The evidence shows that societal interests with some concern for refugees made a genuine effort to have their particular considerations and proposals about the issue of an inland refugee status determination transmitted to the state. These interests could not be ignored by the state in formulating its new refugee intake policy. Those interested parties were brought into the process of searching for an appropriate refugee determination system a long time before Bill C-55 was introduced for first reading in Parliament. However, these interests were not sufficiently developed and thus not as influential as members of the policy community on immigration had become to make any decisive impact on the shape and the content of Canada's refugee policy with regard to the Convention status determination system within Canada.

As seen in the previous chapter, many immigration interests succeeded in the 1970's in attaining a semi-official status in the policy-making process. Groups concerned with refugee policy have also been growing larger and more vocal and while able to have their concerns heard by policy-makers have not achieved an equivalent status. As a result, they were effectively rejected by the state because they lacked many of the same members, interests, and organizing abilities as are found in the immigration policy community.[184] The two issues and their respective domestic interests are occasionally in a complementary relationship because of some overlapping memberships and shared interests, but more often they are found competing with each other for limited resources because refugees demand unequally favourable treatment in their access to immigration and settlement in Canada. This leaves regular economic immigrants and their supporters dissatisfied with what they have to sacrifice. The differences between these societal groups and their relationships with policy-makers goes some way to explaining the difference between immigration policy and refugee policy in recent years.

Notes

1. It should be remembered that the foundation of English Canada was due to political refugees from the American Revolution. Cf. Reg Whitaker, "Murder by Decree: The New Tory Refugee Policy", *This Magazine*, Vol.XI, No.2, May/June 1987, p.18.

2. The 1976 Immigration Act, Section 5.1.

3. Howard Adelman, "The Right to Move: Justice, Immigration and Refugees", Paper Presented at the Conference on Immigration and Refugee Policy: The Australian and Canadian Experiences, Toronto, 1992.

4. National Archives of Canada [hereafter referred to as NAC], RG 76, 87-88/093, Box 3, File 5001-15-1, Vol.1, Memo from J. Hucker, Legislative Consultant, to Robert Andras, Minister of Manpower and Immigration, "Immigration as a Privilege", June 10, 1975; House of Commons [hereafter referred to as HC], *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-55*, Issue 3, Aug.31, 1987, p.13; H. Patrick Glenn, *Strangers at the Gate: Refugees, Illegal Entrants and Procedural Justice*, A Report Prepared for Strategic Planning & Research Branch, Immigration Policy, Employment & Immigration Canada, Montreal, 1992.

5. See Monica Virginia Halil, "Refugee Policy in Canada: Trends and Developments in the 1980s", M.A. Thesis, Dalhousie University, 1988; David Matas, with Ilana Simon, *The Closing Doors: The Failure of Refugee Protection*, Summerhill Press, Toronto, 1989; Alan Nash, *International Refugee Pressures and the Canadian Public Policy Response*, Discussion Paper, The Institute for Research on Public Policy, Ottawa, January 1989; Nobuaki Suyama, "Canada's Refugee Policy - Bill C-55 and Bill C-84 -", *The Annual Review of Canadian Studies*, Vol.9, Sept.1989, pp.54-83; Nobuaki Suyama, "Canada's Refugee Policy - In a right direction or not?", Paper Presented at the Conference of the Canadian Ethnic Studies Association, Calgary, 1989.

6. Meyer Burstein, "Immigration Management Control and Policy Concerns", Paper Presented at the Conference on Immigration and Refugee Policy: The Australian and Canadian Experiences, Toronto, 1992, p.8.

7. Victor Malarek, "New refugee processing system expected by Jan.1", *The Globe and Mail*, July 26, 1988, p.A3.

8. Gerald E. Dirks, "World Refugees: the Canadian Response", *Behind the Headline*, Vol.VL, No.5, May/June 1988, p.17.

9. Employment and Immigration Canada [hereafter referred to as EIC], *Overview Presentation on Refugee Determination in Canada*, May 1987, p.4.

10. The following thesis is very critical about so-called humanitarianism as a determinant of Canadian refugee policy. Cf. Alain Monette, "Les considérations humanitaires dans la politique canadienne (officielle) de refuge de 1978 à 1989: mythe ou réalité?", M.A. Thèse, Université du Québec à Montréal, 1990.

11. It is reported that Canada accepted the largest number of refugees in proportion to its population in the world between 1975 and 1988. Cf. "Canada's refugee allotment cited by U.S. committee", *The Globe and Mail*, Apr.25, 1990, p.A10.

12. *Refugees*, No.35, Nov.1986, p.7. The then Governor-General, Madame Jean Sauvé, received the Medal as the representative of the entire people of Canada.

13. Jeff House, "Our Shameful Refugee Policy", *Canadian Dimension*, Vol.XIV, No.3, Dec.1979, p.6.

14. For good overall guides, see Gerald E. Dirks, *Canada's Refugee Policy: Indifference or Opportunism?*, McGill-Queen's University Press, Montreal and London, 1977 and E. Ziegler, *Refugee Movements and Policy in Canada*, Employment and Immigration Canada, May 1988.

15. Gerald E. Dirks, "The Plight of the Homeless: the Refugee Phenomenon", *Behind the Headlines*, Vol.XXXVIII, No.3, 1980, p.1.

16. There are involuntary migrants who are not considered as refugees. Cf. David Matas, "Racism and Migration", *Refuge*, Vol.XIII, No.8, Jan.1994, pp.17-18.

17. The Convention Relating to the Status of Refugees. Signed at Geneva, on July 28, 1951, 189 U.N.T.S. 137.

18. Todd Howland, "A Comparative Analysis of the Changing Definition of a Refugee", *New York Law School Journal of Human Rights*, Vol.V, Pt.1, Fall 1987, p.33.

19. Elizabeth G. Ferris, "Overview: Refugees and World Politics", in Elizabeth G. Ferris(ed.), *Refugees and World Politics*, Praeger, New York, 1985, Ch.1, p.3.

20. Ibid., pp.3-4.

21. See Charles B. Keely, *Global Refugee Policy: The Case for a Development-Oriented Strategy*, The Population Council, New York, 1981.

22. Ferris, op.cit., p.6.

23. Michael Valpy, "Court's refugee decision a troubling one", *The Globe and Mail*, Apr.20, 1993, p.A2.

24. However, it may be time to reconsider this restrictive position. See Alan Nash and Alena Perout, "Environmental Refugees", *Policy Options*, Vol.XIV, No.5, June 1993, pp.17-21.

25. The Universal Declaration of Human Rights, 1948, U.N.Doc.A/810.

> 13.2. Everyone has the right to leave any country, including his own, and to return to his country.

On this subject, see Alan Dowty, *Closed Borders: The Contemporary Assault on Freedom of Movement*, Yale University Press, New Haven, Conn., 1987.

26. On the other hand, any individual has the right to seek asylum from persecution and, if persecution is recognized by the state, the right to enjoy asylum.

Cf. The Universal Declaration of Human Rights.

> 14.1. Everyone has the right to seek and enjoy in other countries asylum from persecution.

27. Dirks(1977), op.cit., pp.181-182, p.228, p.230, p.240.

28. Dirks(1980), op.cit., p.12.

29. Ibid., pp.12-13. The typical dispute is observable in the following documents. Cf. NAC, RG 76, Vol.724, File 551-25-14, Memo from D.M. Sloan, Executive Assistant, to W.R. Baskerville, Director of the Immigration Branch, Convention on the Status of Refugees and Declaration on the Right of Asylum, Sept.6, 1960; Vol.723, File 551-25, pt.1, Letter from Norman A. Robertson, Under-Secretary of State for External Affairs, to George F. Davidson, Deputy Minister of the Department of Citizenship and Immigration, July 5, 1961; Ibid., Letter from George F. Davidson, Deputy Minister of the Department of Citizenship and Immigration, to Norman A. Robertson, Under-Secretary of State for External Affairs, Nov.21, 1961.

30. James C. Hathaway, "The Conundrum of Refugee Protection in Canada: From Control to Compliance to Collective Deterrence", *Journal of Policy History*, Vol.IV, No.1, p.73.

31. Ibid., pp.74-75; Dirks(1980), op.cit., p.13.

32. C. Michael Lanphier, "Canada's Response to Refugees", *International Migration Review*, Vol.XV, No.1, Spring 1981, p.116.

33. Christopher J. Wydrzynski, "Refugees and the Immigration Act", *McGill Law Journal*, Vol.XXV, No.2, 1979, p.156.

34. Gerald Dirks, "A Policy Within a Policy: The Identification and Admission of Refugees to Canada", *Canadian Journal of Political Science*, Vol.XVII, No.2, June 1984, p.280.

35. Grant Purves, *Refugee Flows and Canadian Immigration Policy*, Current Issue Review 80-10E, Library of Parliament, Ottawa, April 15, 1980, Reviewed on May 9, 1980, p.2.

36. For details of this phenomenal exodus to Canada, see Robert H. Keyserlingk(ed.), *Breaking Ground: The 1956 Hungarian Refugee Movement to Canada*, York Lanes Press, North York, Ont., 1993.

37. Purves, op.cit., p.4.

38. Dirks(1984), op.cit., pp.280-281.

39. Ibid., p.281.

40. Wydrzynski, op.cit., p.159.

41. Ibid., p.159. The following piece tries to present an objective portrayal of the event. Cf. George Hanff, "Decision-Making Under Pressure: A Study of the Admittance of Chilean Refugees by Canada", *NS: Canadian Journal of Latin American Studies*, Vol.IV, No.8, 1979, pp.116-135.

42. Dirks(1984), op.cit., p.285.

43. Lanphier, op.cit., p.117.

44. Margaret Young, *Canada's Immigration Program*, Background Paper 190E, Library of Parliament, Ottawa, January 1989, Revised in August 1993, p.9. Chileans were deleted from the list as of October 1, 1991. The Self-Exiled Persons were abolished in 1990, because of a radical change in the former Soviet Union and Eastern Europe. Cf. David Matas, "Political Prisoners and Oppressed Persons Class and the Soviet Union", *Refuge*, Vol.X, No.3, Feb.1991, pp.5-8.

In selection of these designated-class immigrants, the immigration officers abroad use the same criteria of likely adaptability to Canadian life as those applied to ordinary immigrants to Canada, although in a far less precise and exacting way.

Furthermore, the 1989 new refugee determination process brought in the Post-Determination Refugee Claimants in Canada Class to give the second chance to refused claimants who would face serious harm specifically targeted to them anywhere in their own country. Cf. Margaret Young, *Canada's Refugee Status Determination System*, Background Paper 185E, Library of Parliament, Ottawa, July 1993, pp.12-13.

45. EIC, Policy Development, Policy and Program Development Immigration, *Future immigration levels: 1988 consultation issues*, Mar.1988, p.12.

46. This is an arrangement which was designed in the 1978 Immigration Act and which came into fashion during the Indochinese refugee crisis. A group of at least five individuals or legally incorporated organizations can act as sponsors for refugees. See, for example, Lynn Clark and Gertrud Neuwirth, "The Role of Private Sponsorship Groups in the Socio-Economic Adjustment of Refugees", Paper Presented at the Annual Meeting of the Canadian Sociology and Anthropology Association, Montreal, 1980; Gertrud Neuwirth, "Indochinese Refugees in Canada: Sponsorship and Adjustment", *International Migration Review*, Vol.XV, No.1, Spring 1981, pp.131-140; C. Michael Lanphier, "Dilemmas of Decentralization: Refugee Sponsorship and Service Delivery in Canada and the United States", Presented at the Annual Meeting of the Council for South-East Asian Studies, Calgary, 1981, Revised in January 1982; EIC, *Indochinese Refugees: The Canadian Response, 1979 and 1980*, Minister of Supply and Services Canada, 1982, pp.13-14; Doreen M. Indra, "The Spirit of the Gift and the Politics of Resettlement: Canadian Private Sponsorship of South East Asians", in Vaughan Robinson(ed.), *The International Refugee Crisis: British and Canadian Responses*, Macmillan in association with the Refugee Studies Programme, University of Oxford, London, 1993, Ch.14, pp.229-254.

47. Tanya Basok and Alan Simmons, "A Review of the Politics of Canadian Refugee Selection", in Robinson(ed.), op.cit., Ch.9, p.139.

48. Ibid., p.139.

49. EIC, *Your rights and Canada's Immigration law*, 1986, p.12.

50. Wydrzynski, op.cit., p.191. In his attempt to prove that humanitarianism in Canada's refugee policy is rather a myth, Alain Monette points out the arbitrary nature of the off-shore refugee selection system based on Canada's national needs. Cf. Monette, op.cit., p.281.

51. Gerald Dirks, "Recognizing Refugees", *Policy Options*, Vol.VIII, No.8, Oct.1987, p.22.

52. Michael Schelew, "A Lawyer's Perspective on Canadian Refugee Policy", *Refuge*, Vol.III, No.4, June 1984, p.14.

53. Dirks(1984), op.cit., p.289.

54. Ibid., p.289.

55. The Immigration Act, 1976, Section 48.

56. However, this problem was fixed after a landmark decision by the Supreme Court on April 30, 1985, requiring all refugee claimants to be given an oral hearing. It ruled that persons claiming refugee status, who are seeking admission into Canada at a port of entry, are entitled to protection of the Charter of Rights and Freedoms. Section 7 was used to support refugee claimants' entitlement to an oral hearing.

> 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Cf. "Oral Hearing - A Right", *Refuge*, Vol.V, No.1, Oct.1985, pp.5-6; Michael Mandel, *The Charter of Rights and the Legalization of Politics in Canada*, Wall & Thompson, Toronto, 1989, p.131, pp.172-183; Christopher P. Manfredi, *Judicial Power and the Charter: Canada and the Paradox of Liberal Constitutionalism*, McClelland & Stewart, Toronto, 1993, pp.95-96.

On the other hand, despite its imperfect nature, the system at Canadian immigration offices abroad always offered an opportunity for a claimant to see the person deciding on his or her case.

57. Wydrzynski, op.cit., p.186.

58. The Immigration Act, 1976, Section 84.

59. Mary Janigan, "Saying No", *Maclean's*, Aug.24, 1987, p.9. Another comment is made by Kathleen Ptolemy.

> Mechanisms are being developed by countries to deter spontaneous flow of asylum seekers. As western countries link their economic depression and unemployment to the time-honoured scapegoat of unwanted immigrants, it is becoming politically popular to characterize refugee-status seekers as illegal entrants and unwanted job stealers. This allows governments to introduce policy changes that

> deter refugee flows at both the point of entry and the country of origin, and for those who do manage to arrive, to restrict the opportunity to the claimant for a fair hearing and appeal, and to admit only on a temporary basis.

Cf. Kathleen Ptolemy, "Refugee Protection", *Refuge*, Vol.III, No.4, June 1984, p.15.

60. See "New Refugee Status Advisory Committee Guidelines on Refugee Definition and Assessment of Credibility", Appeared as appendix to Lloyd Axworthy's address to National Symposium on refugee determination in Toronto, Feb.20, 1982, p.5.

61. The problem is ongoing. Western European countries, which find acute and imminent troubles of a larger scale close to their borders, are struggling to come to grips with all sorts of appropriate measures for bringing the bursting phenomena under control. Cf. William Miller, "Europe removing welcome mat for immigrants: Third World target of growing backlash", *The Globe and Mail*, Apr.25, 1990, p.A10; Hans Arnold, "The 'Century of the Refugee': A European Century?", *Aussenpolitik*, Vol.XVII, No.3, 1991, pp.271-280; "Strangers at Europe's door", The Editorial, *The Globe and Mail*, Oct.5, 1991, p.D6; Philip Rudge, "The Asylum Dilemma - Crisis in the Modern World: A European Perspective", *Journal of Policy History*, Vol.IV, No.1, 1992, pp.93-110; Mark Almond, "Europe's Immigration Crisis", *The National Interest*, No.29, Fall 1992, pp.53-61; Ronald Webster, "An Insurmountable Past? Xenophobia in Germany Today", *Refuge*, Vol.XII, No.3, Sept.1992, pp.15-17; "Germans accused of excesses in ousting refugees: Baby gets deportation letter", *The Edmonton Journal*, July 29, 1994, p.E16.

An island country like Britain cannot be free from this explosive issue, which is evident in the rapid increase of refugee claimants from 5,000 in 1988 to 60,000 in 1991. Britain recently cracked down on abusers of the refugee system with fingerprinting and swift deportations. Cf. Paul Koring, "Britain cracks down on asylum-abusers: 'Get tough' policy comes on heels of 27-country conference in Germany", *The Globe and Mail*, Nov.2, 1991, p.A9; Howard Adelman, "Refugee Determination", *Refuge*, Vol.XI, No.2, Dec.1991, pp.9-10.

Along with the movement for a United Europe, these countries are together trying to invent the best multilateral solution to the problem. Cf. Patrick R. Ireland, "Facing the True 'Fortress Europe': Immigrant and Politics in the EC", *Journal of Common Market Studies*, Vol.XXIX, No.5, Sept.1991, pp.457-480; "At the gates", *The Economist*, Vol.325, No.7788, Dec.5, 1992, pp.51-52.

Canadian refugee policy cannot be independent from what is going on not only in refugee-producing countries but also in the other First-World countries.

62. Raphael Girard, "The Refugee Claims System", *Refuge*, Vol.III, No.4, June 1984, p.8. Cf. Minister of Employment and Immigration [hereafter referred to as MEI], For Release, "New Refugee Determination Legislation", May 5, 1987, 87-15, Backgrounder A, Attachment 2, International comparisons-Refugee Determination.

63. Dirks(1988), op.cit., p.5.

64. Gillian Creese, "The Politics of Refugees in Canada", in Vic Satzewich(ed.), *Deconstructing a Nation: Immigration, Multiculturalism & Racism in '90s Canada*, Fernwood Pub., Halifax and Social Research Unit, Department of Sociology, University of Saskatchewan, Saskatoon, 1992, Ch.5, p.130.

65. They are not a clear-cut dichotomy. A claimant's intent, his or her *de facto* situation, and his or her *de jure* status are all complicatedly involved in it.

66. However, policy-makers in the bureaucracy have always wanted to maintain that Canada is a country of selection for resettlement, not of first asylum. Cf. HC, *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-55*, Issue 3, Aug.31, 1987, p.53; Senate of Canada [hereafter referred to as SC], *Proceedings of the Standing Committee on Legal and Constitutional Affairs*, Issue 27, Sept.23, 1987, p.7.

67. Gerald Dirks, "Canadian Refugee Policy: Humanitarian and Political Determinants", in Elizabeth Ferris(ed.), op.cit., Ch.6, p.130.

68. EIC, Refugee Affairs Division, Policy and Program Development Branch, *Refugee Perspectives 1987-1988*, Nov.1987, p.31.

69. William H. Angus, *Canadian Immigration Law, Policy and Process: Materials and Cases*, Prepared for distribution and use in the course on Immigration Law at Osgoode Hall Law School of York University, 1987, p.544.

70. Minister of Employment and Immigration [hereafter referred to as MEI], For Release, "Backlog Clearance Process", Mar.31, 1989, 89-05, p.1.

71. Janigan, op.cit. p.9.

72. See Margaret Young, *The Convention Refugee Determination Process in Canada: Its Reform*, Current Issue Review 86-26E, Library of Parliament, Ottawa, October 23, 1986, Revised on January 17, 1989, pp.5-8.

73. See Task Force on Immigration Practices and Procedures, *The Refugee Status Determination Process*, A report to the Honourable Lloyd Axworthy, Minister of Employment and Immigration, Minister of Supply and Services Canada, 1981. Its important results were found in "New Refugee Status Advisory Committee Guidelines on Refugee Definition and Assessment of Credibility", Appeared as appendix to Lloyd Axworthy's address to National Symposium on refugee determination in Toronto, Feb.20, 1982.

74. Ed Ratushny, *A new refugee status determination process for Canada*, A report to the Honourable John Roberts, Minister of Employment and Immigration, May 1984, p.22.

75. Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, McGill-Queen's University Press, Kingston and Montreal, 1989, p.192.

76. W. Gunther Plaut, *Refugee determination in Canada: Proposals for a New System*, A report to the Honourable Flora MacDonald, Minister of Employment and Immigration, Apr.17, 1985, pp.107-119.

77. HC, *Minutes of Proceedings and Evidence of the Standing Committee on Labour, Employment and Immigration*, Issue 46, Nov.5, 1985, pp.1-34.

78. HC, *Debates*, May 21, 1986, pp.13482-13483.

79. Howard Adelman, "Refugees and the Elections", *Refuge*, Vol.VIII, No.1, Oct.1988, p.2.

80. R.A. Girard, "Canadian Refugee Policy: Government Perspectives, in Howard Adelman and C. Michael Lanphier(eds.), *Refugee or Asylum?: A Choice for Canada*, York Lanes Press, North York, Ont., 1990, p.114.

81. Howard Adelman, "Canadian Refugee Policy in the Postwar Period: An Analysis, in Howard Adelman(ed.), *Refugee Policy: Canada and the United States*, York Lanes Press, North York, Ont., 1991, Ch.10, p.202; Charlotte Gray, "Refugee Run-around", *Saturday Night*, Vol.CIV, No.1, Jan.1989, p.12; Matas(1989), op.cit., p.252; W. Gunther Plaut, "Refuge or Asylum: The Canadian Perspective", in Adelman and Lanphier(eds.), op.cit., p.79.

82. Matas(1989), op.cit., p.251.

83. HC, *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-55*, Issue 2, Aug.27, 1987, p.6.

On the other hand, humanitarian and church groups insist that the immigration matters should be separated from the question of refugee determination. Cf. Ibid., Issue 4, Sept.4, 1987, p.5; Karin Michnick, "Le processus canadien de reconnaissance du statut des réfugiés: Les réformes administratives 1976-1989", M.A. Thèse, Université de Montréal, 1992, pp.52-54, pp.97-102.

84. The participation of officials from the Department of External Affairs is justified by the fact that it was the Department in charge of immigration processing at overseas posts.

85. SC, *Proceedings of the Standing Committee on Legal and Constitutional Affairs*, Issue 27, Sept.23, 1987, p.5.

86. Kalowatie Deonandan, "The Evolution of Canada's New Refugee Policy and its Impact on Central American Refugees", Paper Presented at the Annual Meeting of the Canadian Political Science Association, Quebec City, 1989, pp.9-10.

87. Dirks(1987), op.cit., p.22.

88. EIC(May 1987), op.cit., pp.16-26.

89. EIC(May 1987), op.cit., p.24.

90. MEI, For Release, "Deterrents and Detention Bill", Aug.11, 1987, 87-37, pp.1-2, Backgrounder B, C, D, E.

91. Howard Adelman, James Hathaway, and Michael Lanphier, "Betrayal", *Refuge*, Vol.V, No.3, Jan.1986, p.1.

92. Tom Clark, "The Refugee Determination Procedure: A Growing Consensus", *Refuge*, Vol.V, No.3, Jan.1986, p.8.

93. Jeffrey Simpson, "To identify refugees", *The Globe and Mail*, May 13, 1987, p.A6.

94. Michael Schelew, "Misguided bills pose a threat to true refugees", *The Globe and Mail*, Aug.13, 1987, p.A7.

95. Clark, op.cit., p.8.

96. The apprehension about the independence of adjudicators, who are quasi-judicial administrative decision-makers, has some grounds. Cf. Estanislao Oziewicz, "Immigration official challenges Ottawa: Wants independence spelled out", *The Globe and Mail*, Nov.23, 1991, p.A6.

97. "Considering refugees", The Editorial, *The Globe and Mail*, May 7, 1987, p.A6.

98. "Control of the borders", The Editorial, *The Globe and Mail*, July 15, 1987, p.A6.

99. Schelew(1987), op.cit., p.A7.

100. W. Gunther Plaut, "Principles and Questions", *Refuge*, Vol.VI, No.1, Oct.1986, p.4.

101. Dirks(1987), op.cit., p.23.

102. "A Hysterical Overreaction", *Maclean's*, Aug.24, 1987, p.12.

103. David Matas, "Amnesty International and Refugee Reforms", *Refuge*, Vol.IV, No.2, Dec.1986, p.8.

104. Michnick, op.cit., pp.46-47.

105. HC, *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-84*, Issue 1, Aug.18, 1987, p.14; Ibid., Issue 1, Aug.26, 1986, p.15.

106. "The arrival gates", The Editorial, *The Globe and Mail*, Feb.20, 1988, p.D6.

107. Gail E. Misra, "The Implications of Interdiction at Sea: for Refugees, Canada and Canadians", *Refuge*, Vol.VII, No.3, Mar.1988, p.4.

108. Ibid., p.5.

109. SC, *Proceedings of the Standing Committee on Legal and Constitutional Affairs*, Issue 48, Dec.17, 1987, pp.18-19.

110. Misra, op.cit., p.4.

111. "The arrival gates", op.cit., p.D6.

112. Misra, op.cit., p.5.

113. Ibid., p.5.

114. Janigan, op.cit., p.10.

115. Ibid., p.10.

116. The Constitution Act, 1982, Section 8.

117. Bill C-84, Article 11, Section 103.03.

118. William Angus and James Hathaway, "Ominous overkill in Ottawa's refugee bill", *The Globe and Mail*, Aug.25, 1987, p.A7.

119. John R. Wood, "Well-Founded Fear: The Controversy over Canada's Refugee Policy", Paper Presented at the Annual Meeting of the Canadian Political Science Association, Quebec City, 1989, p.4.

120. See Fred Van Geest, "Refugees or Immigrants? Clearing up the Confusion", *Policy Options*, Vol.XV, No.5, June 1994, pp.18-21.

121. A general immigration debate is not completely free from moral issues, either. For example, the question of racially based immigrant selection or that of family reunification has moral tinges.

122. Ptolemy, op.cit., p.17.

123. David Berger, "Reform of refugee policy should ensure fairness", *The Globe and Mail*, Aug.3, 1987, p.A7.

124. Adelman(Dec.1991), op.cit., pp.17-18.

125. Creese, op.cit., p.130.

126. Charles M. Campbell, *A Time Bomb Ticking: Canadian Immigration in Crisis*, Mackenzie Paper No.16, The Mackenzie Institute, Toronto, 1989, p.19.

127. Creese, op.cit., p.141.

128. Canadian Employment and Immigration Advisory Council [hereafter referred to as CEIAC], *Perspectives on immigration in Canada: Final Report*, Aug.1988, p.1.

129. Angus and Hathaway, op.cit., p.A7.

130. CEIAC, op.cit., pp.1-2.

131. Ibid., p.2.

132. Richard Cleroux, "Minister cool to changes in refugee bill", *The Globe and Mail*, Dec.17, 1987, p.A3.

133. W. Gunther Plaut, "Important lessons in debates on hanging, refugees", *The Globe and Mail*, July 29, 1987, p.A7.

134. Deonandan, op.cit., pp.9-10.

135. Adelman(1991), op.cit., "Canadian Refugee Policy ...", p.213; Victor Malarek, *Haven's Gate: Canada's Immigration Fiasco*, Macmillan of Canada, Toronto, 1987, pp.129-130; Matas(1989), op.cit., p.97; Nash, op.cit., p.34, p.70; Wood, op.cit., p.7.

136. Wood, op.cit., p.7; Deonandan, op.cit., p.11.

137. Wood, op.cit., p.5.

138. Howard Adelman, "The New Refugee System: Success or Failure?", *Refuge*, Vol.VIII, No.4, June 1989, p.5.

139. Creese, op.cit., p.124.

140. Matas(1989), op.cit., pp.118-119.

141. HC, *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-55*, Issue 4, Sept.1, 1987, p.54.

142. Ibid., p.55.

143. As is the case with any Standing Committee, the governing party keeps its majority status in the memberships of these legislative committees. Therefore, it is not likely that the Committee would vote for any series of amendments to defy the principle of the bill it is assigned. The main function of the Committee is to bring any unclear points or inadequacies of the bill under scrutiny through debates, hearings, and questioning of relevant parties.

144. Lorne Waldman, "Senators and refugees", *The Globe and Mail*, Dec.21, 1987, p.A7.

145. They received over 200 briefs and heard personal testimony from 114 witnesses for Bill C-55. Cf. SC, *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, Issue 74, May 10, 1988, p.23.

On the other hand, over 400 individuals and organizations sent comments and asked to appear in the Committee meetings for Bill C-84. The Committee heard 37 witnesses. Cf. SC, *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, Issue 48, Dec.12, 1988, p.12.

146. Adelman(1988), op.cit., p.2.

147. Ibid., p.2.

148. "Political Talk", *Refuge*, Vol.VIII, No.2, Dec.1988, pp.3-10. See Yasmeen M. Abu-Laban, "Canadian Political Parties and Immigration Policy: Bills Bill C-55 and C-84", B.A.(Hons) Thesis, University of Alberta, 1988.

149. MEI, For Release, "Amendments to Bill C-84", July 12, 1988, 88-17, p.1.

150. MEI, For Release, Dec.28, 1988, 88-44, p.2.

151. Ibid., p.1.

152. HC, *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-55*, Issue 4, Sept.1, 1987, p.61.

153. Ibid., p.62.

154. HC, *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-84*, Issue 3, Aug.19, 1987, pp.6-7; pp.12-13.

155. SC, *Proceedings of the Standing Committee on Legal and Constitutional Affairs*, Issue 51, Feb.4, 1988, pp.27-28; SC, Ibid., Issue 55, Feb.11, 1988, p.14; Gray, op.cit., p.11; Guy S. Goodwin-Gill, "Refugee Determination: What's Next", *Refuge*, Vol.XI, No.2, Dec.1991, p.5.

156. Estanislao Oziewicz, "Torture tale snickered at by panel members: 'devastated' officials called on to apologize", *The Globe and Mail*, Feb.14, 1992, pp.A1-A2; Estanislao Oziewicz, "Sexist notes found, refugee lawyer says: Board officials accused of comments", *The Globe and Mail*, Feb.17, 1992, p.A8; "Refugee board accused of mocking claimants, snoozing during hearings", *The Edmonton Journal*, Mar.23, 1992, p.A4.

157. Michael Schelew, "Refugee claimants", *The Globe and Mail*, July 31, 1989, p.A6.

> There is no meaningful, accessible appeal procedure available to correct the inevitable errors in decision-making at the initial and full hearing stages. Until this is corrected, miscarriages of justice will continue and the Immigration Minister of the day will continue to be the appeal of last resort.

158. Margaret Young, *Canada's New Refugee Status Determination System*, Background Paper 185E, Library of Parliament, Ottawa, January 1989, Revised in July 1989, pp.19-22.

159. Dorothy Lipovenko, "New refugee rules conform with Charter, judge decide", *The Globe and Mail*, Jan.5, 1989, p.A1.

160. In fact, the chairman of the Board, Gordon Fairweather, already acknowledged that a screening panel had made a mistake. Cf. Geoffrey York, "Error acknowledged in refugee rejection by screening panel", *The Globe and Mail*, June 5, 1990, p.A4.

161. "Considering refugees", The Editorial, *The Globe and Mail*, May 7, 1987, p.A6.

162. Andrew Parkin, Leonie Hardcastle, Alan B. Simons, and Nobuaki Suyama, "The Making of Immigration and Refugee Policy: Politicians, Bureaucrats and Citizens", Paper Presented at the Conference on Immigration and Refugee Policy: The Australian and Canadian Experiences, Toronto, 1992, p.9.

163. Howard Adelman, "The Backlog: Barbara's Achilles Heel?", *Refuge*, Vol.X, No.3, Feb.1991, p.9.

164. Adelman(1989), op.cit., p.3; Adelman(Dec.1991), op.cit., p.13.

165. For Bill C-86, see Nobuaki Suyama, "Canada's Refugee Policy - Thereafter -", *The Annual Review of Canadian Studies*, Vol.13, Sept.1993, pp.90-99.

In fact, the first-stage disqualification took another form in Bill C-86. Not every claimant has an automatic access to the Board as yet.

166. Jeffrey Simpson, "For true refugees only", *The Globe and Mail*, Apr.15, 1989, p.D6.

167. "A Continuing Growth in Refugee Claims", *Refuge*, Vol.IX, No.4, May 1990, p.26; Adelman(Dec.1991), op.cit., p.8.

168. Estanislao Oziewicz, "Fewer claimants given refugee status: Only 1 in 2 win right to stay in Canada", *The Globe and Mail*, May 22, 1992, pp.A1-A2.

169. Adelman(1991), op.cit., "Canadian Refugee Policy ... ", p.201.

170. Arul S. Aruliah, "1990 IRB Statistics Digest: The Same Old Story? Another Backlog of Claims?", *Refuge*, Vol.X, No.3, Feb.1991, pp.14-16; Christie McLaren, "Refugee-backlog plan in a mess: Scheme to resolve thousands of cases mired in delays, inequalities", *The Globe and Mail*, Feb.23, 1991, p.A1, p.A4.

171. Howard Adelman, "On Determination", *Refuge*, Vol.VIII, No.4, June 1989, p.1.

172. W. Gunther Plaut, "Unwanted intruders or people in flight?: Canada's new refugee laws are based on suspicion", *Perception*, Vol.XIII, No.2, Spring 1989, pp.45-46.

173. Adelman(1989), op.cit., "The New Refugee System", p.6.

174. Gray, op.cit., p.13.

175. However, this part of the legislation could be anytime invoked if the urgent need arises. Cf. "An Interview with Gordon Fairweather", *Refuge*, Vol.IX, No.4, May 1990, p.3.

176. Adelman(1989), op.cit., "The New Refugee System", p.6; Howard Adelman, "Introduction, Refugee Determination: Bill C-55 Revisited", *Refuge*, Vol.XI, No.2, Dec.1991, p.3.

177. Matas(1989), op.cit., p.251.

178. Ibid., p.285.

179. Dirks(1988), op.cit., p.17.

180. Plaut(1989), op.cit., pp.45-46.

181. See Notes 81 and 83.

182. Adelman(Dec.1991), op.cit., "Refugee Determination", p.13.

183. Creese, op.cit., p.133.

> For the most part, media representation of refugee issues reinforced the official discourse of refugees as a problem of illegal immigration.

184. On the other hand, it has been hopelessly muted and ineffective about the unfair and despotic selection system abroad, which does not recognize the special character of refugee claimants and which tends to treat them in the same manner as regular immigrants. Cf. Jeff Heinrich, "Canada's screening of refugees abroad", *The Edmonton Journal*, Sept.4, 1992, p.B8.

CHAPTER SEVEN Conclusion

I. Introduction

Canada's immigration and refugee intake patterns have gone through many different stages of development.[1] Immigration has made a spacious land originally inhabited only by the Native people an economically affluent country with a population of over 27 million and whose racial and ethnic composition continues to change in response to new immigrants. As indicated in Appendix 1, the number of immigrants taken in each given year has increased or decreased in response, on the one hand, to Canada's political, economic, social, cultural, and demographic conditions and the Canadian government's policies on entry and settlement; and on the other hand, to the availability of sought-after sources of immigrants, labour market situations, political (in)stability, and population pressures on the part of sending countries.[2]

Not only numerical fluctuations but changes in other areas have been evident over the years; for example, in immigrants' ascribed characteristics, such as geographical origins, somatic features, and cultural backgrounds, and in their acquired qualifications such as educational levels and more practical, professional skills.[3] These changes have largely been induced by the above-mentioned factors which have determined the immigration levels. They have much to do with the composition in the immigrant intake: independent immigrants, sponsored family members, refugees. Foremost among the catalysts for the changing characteristics of the immigrant population were the policy changes adopted in the 1960's, which radically shifted the weight of the immigrant selection criteria from the first group of ascribed characteristics to the second group of achieved characteristics through the introduction of the points system.[4]

In any case, what has been examined in this dissertation is not the immigrants themselves but the process by which important federal government policies on immigration and refugees have been made and implemented. The principal element of state-society interaction in the immigration and refugee policy-making process has been examined to assess, on the one hand, the autonomy of state actors and, on the other, the role played by domestic interests. The evidence presented in this dissertation demonstrates the extent to which and the manner in which state-society relations have influenced the immigration and refugee policy-making process and seriously questions the state's abilities to conduct immigration and refugee policies independently of these societal interests as suggested by much of the literature in this area.

It was hypothesized in the beginning that the subtle tensions between the 'nation-building' statism and the 'interest-group' pluralism condition the state to take a certain style of policy-making, apparent form of which is different from one period of time to another after the Second World War but the evolution of which has given increased prominence and, for the most part, influence to societal groups. Canadian immigration policy-making has been increasingly dominated by a pluralistic political and social structure, which demands the careful attention and management of government policy-makers for the smooth operation of this policy field.

Over the post-war period, the Canadian state has operated in the midst of the development and growth of an immigration policy community on the domestic side and an intractable, if changing, external environment beyond Canadian policy-makers' control. It has been demonstrated in respect to immigration policy and to a lesser extent in the refugee policy arena that a widely accepted view of Canadian domestic/foreign policy-making which emphasizes the state's all-powerful hegemonic leadership has become obsolete. That the Canadian state enjoyed relative autonomy vis-à-vis civil society in its conduct of domestic/foreign policy seems valid now only in a historical context. This policy-making approach has been replaced by a newer form of policy-making in which the state finds itself sandwiched between vocal, and sometimes, powerful domestic constituencies and increasingly influential international constraints.

It is no longer accurate to characterize Canada's immigration and refugee policy-making community as a small group of Cabinet ministers and their confident, long-serving, Immigration bureaucrats consulting exclusively among themselves in closed-room meetings for maximizing their perception of the national interest.[5] The politics over the entry of immigrants and refugees have become more significantly visible with substantially increased interactions between the state and various societal actors. The interests of civil society cannot be assumed or defined by government policy-makers because they are mobilized and advocated in articulate forms by societal groups. Policy-makers who ignore these interests run a serious risk of suffering from severe repercussions.

II. The Evolution of the Immigration Policy-Making Patterns

The two central analytical concepts presented in the introductory chapter were the ideas of a 'policy community' and a 'policy network'. These concepts which link the state with societal interests have been useful for grasping the elusive state-society interactions in the policy-making process in this issue area. This is primarily because the more orthodox treatment of this field which emphasizes ideas such as the strong state, the independent role of the bureaucracy, and state autonomy do not adequately account for the ever-changing and increasingly vague state-society boundaries. The use of policy communities and policy networks helps us to identify the various sources of state policy, be they governmental or societal, to emphasize the critical role that interactions between state actors and societal interests play, and to focus our attention on the relationships among them as a way of understanding policy.

The Canadian state's lead agency in immigration policy has been the Immigration Branch and its successors, which had been moved around among many different bureaucratic departments until it became a division in the Department of Manpower and Immigration in 1966.[6] On account of the sensitive nature of immigration, it might have been wiser for policy-makers to shroud it in secrecy. However, facing the situation that it has been proven impossible to escape the demands of interested parties for input, it is now in the state's interest to pay close attention to these vocal societal interests by initiating various consultative mechanisms to involve these societal interests more closely into the policy-making process.

Elected and non-elected state actors have either actively sought the opinion of societal groups or sometimes passively reacted to the representations from these groups with a view to responding to their demands or co-opting their support in making policy decisions. The result in the area of immigration policy has been analogous to the formation of a policy community in that these groups now have assumed a more or less permanent role in certain areas of policy-making such as the setting of annual levels. It would now seem inconceivable that state actors would make significant adjustments in immigration policy without the extensive involvement of these interests.

Another important factor examined in this dissertation has been the influence of the external environment on policy-making. Due to Canada's involvement in international organizations and the growth of transnational activity, it is becoming more difficult for any issue area to be placed exclusively in either a domestic or foreign policy field. Immigration traditionally has always been an issue which clearly transcends the domestic/foreign dichotomy. Despite Prime Minister Mackenzie King's unsubstantiated assertion that immigration is a matter of domestic policy in 1947,[7] the making of immigration and refugee policies has always been conducted in a context of the international environment and influenced by interstate relations, in which the interests of international actors are taken into consideration.[8]

At various times throughout the period examined here international commitments or conditions have weighed heavily in policy deliberations. From the initial moves to eliminate discriminatory policies towards Chinese immigrants because of the U.N. Charter provisions, to the removal of racial barriers in response to British Commonwealth and U.N. activities surrounding South Africa, to more recent concerns in the area of refugee policy, international factors have played a significant part in shaping the government's policy. As a result, it would be inaccurate to suggest that state actors have been able to act autonomously in this policy field.

The table below aims to summarize the various aggregated and articulated interests which have influenced Canada's immigration and refugee policy-making in different time periods. The succinct information presented inside the table does not of course exhaust the details, but it does reflect the significant changes that have taken place over time. As has also been mentioned, the emergence of a policy community in this policy arena poses some difficulty in drawing the line between the role that the state and societal actors play in the policy process. However, the main purpose here is to illustrate the contrasting stances existing among the different parties involved and the different patterns of policy-making.

Table XII The Changing Pattern in Canada's Immigration and Refugee Policy-Making

Time Periods	Principal State Actors	Principal State Interests	Principal Societal Interests	Principal Societal Interests	Pattern of Policy-Making
1940's -1950's	- Directors of the Immigration Branch - Ministers Responsible for Immigration - Senior Bureaucrats from Different Departments such as Labour and External Affairs - Minor Role of the Prime Minister	Gate-control National development United Nations	-Capital -Labour -Pro-British Groups	Adequate supplies of labour at lowest prices Restrained immigration Racially restrictive immigration	Bureaucratic dominance, with considerable supportive societal input

1960's	- Ministers Responsible for Immigration - Deputy Ministers of the Departments in charge of Immigration - Senior Bureaucrats from Different Departments such as Labour and External Affairs	Modern economic development Canada as a leading nation in world affairs	-Capital	Suitable labour supply, but with interest in immigrants as sources of entrepreneurship	Executive-led, bureaucratic involvement, with increasing societal influence
			-Labour	Protection of a labour market but with interest in immigrant workers' welfare	
			-Ethnic Groups	Sponsorship	
			-Non-white Ethnic Groups	Abolition of the colour bar	

1970's	- Ministers Responsible for Immigration -Senior Bureaucrats in the Department in charge of Immigration - Senior Bureaucrats from Different Departments such as External Affairs, Welfare and Health	Legitimization of immigration Balanced regional development Gate-control	-Capital -Labour -Ethnic Groups -Non-White Ethnic Groups -Church Groups -Community Organizations -Immigrant Services Organizations -Municipalities -Quebec	Suitable labour supply Increasing concerned with immigrants' welfare Sponsorship Elimination of racism Humanitarianism Settlement Settlement Balanced distribution Francophone immigrants	Parliamentary Pluralism, extensive dialogue between the state and societal interests, Limited bureaucratic power

1980's	- The Prime Minister -Ministers of Employment and Immigration -Ministers of State (Employment and Immigration) -Senior Bureaucrats in the Department of Employment and Immigration	Restoring legitimacy Gaining public approval U.N. Refugee Convention Gate-control	-Capital -Labour -Ethnic Groups -Humanitarian Groups -Social Justice Organizations -Religious Groups -Refugee Aid Groups -Lawyers & Academics -Municipalities -Provinces	Adequate supply of cheap labour, with interest in immigration as sources of capital and consumption New ethnic workers' welfare Protection of immigration standards Sponsorship Human rights Humanitarian support for refugees Fewer immigrant welfare bums Balanced distribution,	Executive-led, extensive societal input Prominence of public opinion (specifically in the case of the status determination system)

III. The Evolution of State Interests

The state has consistently pursued its objective, that is, 'nation-building' by selectively taking in immigrants who are suitable for Canada's national interest; in earlier days through colonization and in modern days through industrialization. However, it is not in the state's interest to attain this premier goal single-handedly because to do so could result in wrecking the foundation of the state legitimacy. Given potentially unmanageable resistance to governmental policy, it has always sought the best way of making and carrying out immigration and refugee policy, suitable for each contextual situation.

As seen in Table XII, along with the politicization of the issue and the involvement of domestic interests, the level of the engagement inside the state machinery has risen accordingly. It is true that the Prime Minister made a Parliamentary speech on immigration in 1947 to open a new era of immigration policy, but the policy as a whole was primarily in the hands of key bureaucrats in that period of time. Even though immigration was an essential state activity, it was something to be handled with minimal fanfare at the bureaucratic level.

However, more recently, the state has given far more attention to the views of organized constituencies who have the potential to mobilize public debate and confrontation. The constituency in immigration policy has grown steadily larger and more vocal in the post-war period, as is demonstrated in Table XII. This has, in part, been the result of government policy. In the immediate aftermath of the Second World War, there emerged a number of interested societal actors who addressed their concerns to policy-makers on immigration issues. In addition, the influence of new immigrants created a domestic constituency that has continued to grow and take an interest in immigration policy. The prominence and influence of these new Canadians on policy was apparent in the debates on the sponsorship issue in the 1960's. It continues to retain prominence today.

Although the state has its distinct interests to pursue, for their successful attainment those interests inevitably become relative to those of non-state parties. In fact, the state and civil society not only influence each other but also depend on each other for the realization of their respective interests. Accordingly, the state's interests, in relative terms, correlate with ever-changing societal interests.

The much-publicized interest-group activity in this policy field, which looks like a pandemonium, does not suggest that the state has lost complete control over immigration and refugee policy-making. State policy-makers still have their own objectives of national development. Alan B. Simmons and Kieran Keohane argue as follows:

> The state is clearly the leading hegemonic actor in the immigration policy field. It has the resources and power to pursue its objectives, even in the face of significant opposition and criticism from particular interest groups. ... [but] It cannot simply apply policies which meet economic or rational planning objectives, without coping with the contingencies of support and opposition, in society at large and from specific interest groups, to particular measures. Ignoring opposition could undermine the state's legitimacy in this area, and indirectly in others.[9]

The process of immigration policy-making is vitally linked with immigration policy output. The change of policy-making observed over four decades in the post-war period reflects the delicate position of the state vis-à-vis an increasing number of politically active interest groups in civil society, many of whom have been directly effected in part by policies in this field. The result has been to create a larger, more active constituency, a more complex and politicized policy-making environment and a more attentive public.

IV. The Evolution of Societal Interests

The mix of interest groups which participated in discussion on Canadian immigration policy has evolved over a period of time. Up to the 1960's, this discussion was primarily conducted within the government; yet included from time to time representatives of business and labour leaders to ensure a supportive constituency for the final policy decisions. This emergent policy community was regulated by 'state-directed networks'. As William D. Coleman and Grace Skogstad argue, at this nascent stage organized interests played "neither an important advocacy nor participatory role in the policy process".[10] In Trevor Matthews' words, the state structured the access it accorded "to groups - including, at the extreme, the exclusion of certain (or all) interest groups from the deliberative and implementation stages of policy formation".[11] In the 1940's and 1950's, churches and human rights groups, ethnic communities,[12] and the provinces had very little roles in the process of immigration policy-making. Moreover, major political parties rarely disagreed on any matters of immigration policy.

The 1960's represent a major point of change in Canadian immigration policy and policy process that has governed it. Over the past 30 years, some of the traditional actors have become relatively quiet, while others who were not actively involved initially have become more vocal.[13] The newcomers on the scene of public discussion are a nation-wide civil liberties and refuge lobby, which is very concerned with human-rights issues, and municipal, ethnic, and other organizations which provide community and social services such as housing and job training. The tremendous growth of ethnic communities, especially non-European groups, had a great influence on the abolition of the racially based immigrant selection in the 1960's and the sponsorship issue at this time and later.[14]

It is now next to impossible to formulate government policy without substantial consultation with the immigration policy community, especially on aspects which would run counter to their vital interests. This type of pluralist network is characterized by the combination of dispersed state authority and a weak associational system for the organized interests.[15] There is no longer a single policy-maker whose influence is equivalent to Frederick C. Blair or A.L. Jolliffe. Moreover, it is unlikely that either these or other past policy-makers who enjoyed the unfettered policy-making process of the earlier part of this century would be able to repeat their performance. Conditions have changed too dramatically. Not only has the demonstrative process of consultation become essential, the integration of their interests into policy is increasingly imperative.

The process that was observed for the making of the new Act in the 1970's was noteworthy in reflecting the changes that have occurred. Public participation in the formulation of policies has increased considerably over the past fifteen years in Canada. The kind of eye-catching, nation-trotting Committee tour in the 1970's would probably have been inconceivable in immigration policy two decades before, for example, in the period of time when Walter E. Harris and John Whitney Pickersgill were Ministers.[16] Even though societal interests were acknowledged, it had been in the state's interest to solicit them in a discreet, cautious, and quiet manner. By the 1970's, it was necessary to set in place a more extensive and institutionalized form of consultation.

While an unprecedentedly great number of societal groups participated in Canada's immigration policy-making, the 1976 Immigration Act also recognized another aspect of this policy field, that is, the participation of the provincial governments. Although the Constitution Act, 1867, provides the provinces with a constitutional justification for entering the field of immigration, with the exception of British Columbia's treatment of East Asians, provinces had been very inactive in pursuing their interests until the 1960's. At this time Quebec was the first province to show an active interest in immigration policy since the basis of a French Canadian society began to be threatened by a fertility rate obviously below the replacement level.[17] The Quebec government entered a series of intergovernmental agreements with Ottawa so that they could better select Francophone or Frenchfiable immigrants heading to Quebec.[18]

Quebec was followed by other provincial governments, which were motivated more by economic considerations than any nationalist aspirations.[19] All provincial governments are now routinely invited into the process of an annual immigration level planning since the 1976 Act came into effect. The federal government must now respond to the provincial governments' interests or at least co-opt them within the existing consulting mechanism.

In conducting the analysis it has been important to note that expressing concerns on immigration policy matters in public should not be confused with influence over the actual policy output. Some groups may have to speak out more than others because they in fact have less impact on policy than they aspire to. On the other hand, the powerful groups, whose interests are heeded by the state in any case, do not have to speak out loudly because policy as currently formulated already suits their interest. The factors which motivate each interest group to speak up or not and the actual influence of each group on policy need to be studied very carefully. It is, for example, evident that those interests concerned with refugee policy lacked the connections and influence to shape government policy in the face of substantial public support for the government's proper response, even though they were quite boisterous in the 1980's.

Along these lines, since the 1970's, when the immigration policy community has blossomed, capital and labour became relatively quiet on the issue of immigration policy. This fact does not mean that they have lost interest in immigration.[20] Instead, the phenomenon is subject to various interpretations.[21] Many unions now have multinational memberships with many recent immigrants, a fact which moves the leaders to support policies favourable to family reunification. However, they cannot be very vociferous, since the rank-and-file members are still wary if not hostile to immigration of additional workers which would increase labour supply and damage unions' bargaining power. Yet even rank-and-file hostility rarely breaks out in organized opposition. The government now promotes immigration as a source of entrepreneurial skills, capital, and needed workers to make the economy grow, and many Labour leaders as well as rank and files have been persuaded to some degree that government policy is beneficial to them. These competing internal views do, however, essentially neutralize the voice of Labour and union leaders on immigration issues.

On the other hand, business does not have to speak out on immigration policy as loudly as it used to because government policy has generally favoured their objectives especially since manpower needs were closely linked with immigration in the 1960's. In contemporary periods, efforts by business lobbying is confined to those industries who desperately face an urgent need for a particular category of labour. Moreover, now with the employment authorization of foreign specialists, they can rely more on the importation of short-term labour than on immigration.[22]

V. Assessing the Role of the Canadian Public

The elected members of the state, that is, politicians, have been the most sensitive to the mood of pubic opinion because their work and gains heavily depend on it. As their jobs are the fruit of popularity, politicians are frequently susceptible to public opinion polls. The negative public attitudes towards refugees were one of the major elements behind the Progressive Conservative government's decision to get tough on them in 1988. The government, whose popularity was hitting the bottom, could not afford to alienate further large sectors of the population if it was to win the election. The issue of refugee-smuggling demonstrates clearly the government's responsiveness to public opinion. Societal preferences went a long way in determining what specific policies were to be pursued by the state.[23] In this case, the public preferences were supported by the bureaucrats whose main concern was a tighter control over the admission of refugees. In other cases the public was considerably less influential.

Nancy Tienhaara presents a historical overview of Canada's public attitudes to immigration policy.

> For most of the post-war period, immigration *per se* has not been viewed as an important issue by most of the Canadian populace. It is likely that this lack of importance as an issue has engendered a feeling of apathy by Canadians towards immigration, and that this apathy accounts for Canada's ambivalence towards federal immigration policies ... .[24]

Even though attitudes towards Canada's immigration policy seem to have been rather negative over the years, there is no evidence that immigration *per se* has ever been an issue of great importance for the electorate and for the political parties which compete for votes. Therefore, public opinion concerning immigration has not been an important factor for the government. The government has, however, kept constantly watchful eyes on volatile public attitudes. Canadian immigration policy in recent years may have been influenced to a greater extent than before by public opinion, but in many respects it has operated independently of general public attitudes. To the extent that it may have had an ongoing role, public opinion has been limited to parameter-setting.

According to Denis Stairs, parameter-setting establishes "certain limits on what the policy-makers are actually able to do - able, that is, within the range of what they regard as acceptable, or tolerable, political and other costs".[25] The public at large, which is outside the policy community, has at best an indirect and weak influence on the politics of immigration. The anomalous situation in 1988 can be attributed to the sensational heading of events which had intensified public attitudes, differences within the immigration policy community, and the concomitant political weakness of refugee supporting groups.

VI. Conclusion

An analysis of Canada's post-war immigration and refugee policies has offered fertile ground for assessing the evolution of the role of societal groups in Canada's domestic and foreign policy-making and for considering the utility of 'policy communities' to represent this role. It has been argued that there have been significant differences between the policy-making setting in which the Mackenzie King government operated and the ones in which the Trudeau and Mulroney governments were placed. The state can no longer formulate and implement immigration policy as independently of civil society as before. Powerful societal interests are aggregated and articulated by an increasing number of interest groups whose more regular pattern of interaction with policy-makers and other government officials constitute a policy community.

The external environments has also been demonstrated as a significant constraint on government policy-makers. One country's immigration and refugee policies are not set singularly on the sole basis of its national interest, free from what the others do. States as members of an international community have certain standards they are expected to conform to in international society. It is beyond the scope of this dissertation to consider the implications in interstate relations if the government did not conform to them, but their significance in the cases examined here is noteworthy.

In addition to the evolutionary growth of the policy community concerned with immigration issues, this dissertation has shown that refugee interests have not achieved the same level of involvement. The two sectors while related have different memberships, assumptions, values, and most importantly political clout. Although a large number of societal actors are involved in the politics of refugee policy-making, they are not yet powerful enough to have a persistent or substantial influence on policy-makers. This also highlights the vital difference between the visible process of activity in policy-making and the more important question of influence over policy decisions.

Canada's immigration and refugee policies continue to be an important subject to pursue in the 1990's and towards the next century. The ethnic groups, which belong to neither of the Two Founding Nations, continue to play a vocal role in this field.[26] They are, themselves, the effect of active immigration policy in the post-war period. Once settled, they act as key players in the politics of immigration policy-making. It seems very unlikely that the population pressure on Canada from the rest of the world will end in the near future. Canadian policy-makers will constantly be facing new demands from immigrants and from the tides of refugee claimants, whose numbers continue to increase rapidly. Those refugee interest groups, which were not strong enough to have their concerns shape policy in the late 1980's, will likely continue to grow and gain support from transnational groups.

The immigration policy community which has been nurtured and matured in a state-generated network has been transformed into that of pressure pluralism, in which diverse groups approach the state independently to promote their interests. While it is perhaps too early to speculate about the likelihood that this network in Canada's immigration policy is moving further into the erosion of the state's power, the evidence examined in this dissertation suggests that this will occur.

Notes

1. For a good bird's eye view, see Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-1990*, Dundurn Press, Toronto, 1992.

2. As in Chapter Five, the erstwhile 'tap-on, tap-off' policy on this question has been replaced by a more planned intake with a wide range of non-state actors involved in the process of determining annual levels.

3. Even the latter characteristics cannot be perfectly free from all cultural biases. See pp.107-108 in this dissertation.

4. There is still much room for discussion on how complete this transition was. The elements to be considered are the location of immigration offices, immigration officers' subjective judgment, and *ad hoc* refugee intake decisions among others. See, for example, K.W. Taylor, "Racism in Canadian Immigration Policy", *Canadian Ethnic Studies*, Vol.XXIII, No.1, 1991, pp.1-20.

5. This is more or less what Freda Hawkins argues.

> ... the influence of the major interest groups on immigration policy has been very limited and, where it has occurred, has lain much more in the *perception* of their views by politicians and officials than in any direct impact.

Cf. Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared*, McGill-Queen's University Press, Kingston and Montreal, 1989, p.252.

6. However, it is still a junior partner to the Employment portion. See Gerald E. Dirks, "Managing Canada's Immigration Program Impediments to Policy Implementation", Paper Presented at the Annual Meeting of the Canadian Political Science Association, Victoria, 1990.

7. King's speech gives us an erroneous, one-sided, oversimplified view of the policy field that non-Canadians sporadically and spontaneously apply for permanent settlement in Canada through immigration offices outside Canada and that the selection officers apply the rules of admission made by the Canadian government faithfully to these applicants.

8. See, for example, Nobuaki Suyama, "Canada's Refugee Policy: A Recent Trend", Paper Presented at the 34th Annual Convention of the International Studies Association, Acapulco, 1993, pp.3-6.

9. Alan B. Simmons and Kieran Keohane, "Canadian immigration policy: state strategies and the quest for legitimacy", *The Canadian Review of Sociology and Anthropology*, Vol.XXIX, No.4, Nov.1992, p.445.

10. William D. Coleman and Grace Skogstad, "Policy Communities and Policy Networks: A Structural Approach", in William D. Coleman and Grace Skogstad(eds.), *Policy Community and Public Policy in Canada: A Structural Approach*, Copp Clark Pitman, Mississauga, Ont., 1990, Ch.1, p.29.

11. Trevor Matthews, "'Vitally Important Allies'? The Role of Interest Groups in Government Decision-Making: A Review Essay", *Australian Journal of Public Administration*, Vol.XLVII, No.2, June 1988, p.160.

12. As discussed in Chapter Four, they were growing gradually in the 1950's. In fact, by the end of the decade, the Italian communities were already so powerful as to embarrass the government on the question of sponsorship. See G.P. Allen, "Ethnic Organizations in Canadian Society", *The International Migration Review*, Vol.III, No.2, Spring 1969, pp.67-73.

13. Moreover, it seems that what was characterized as 'tri-partisan' immigration policy has crumbled since the 1980's. See Yasmeen M. Abu-Laban, "Canadian Political Parties and Immigration Policy: Bills C-55 and C-84", B.A.(Hons) Thesis, University of Alberta, 1988; Nobuaki Suyama, "Reformers and immigration policy", *Solstice*, Vol.III, Issue 8, July 28, 1992, p.3.

As Canada has three major parties (the Liberals, the Progressive Conservatives, and the New Democratic Party), a consensus existing among them is characterized as 'tri-partisan'. The Canadian party system is unique in the sense that a single-member, plurality, electoral system has produced a multi-party system. See Joseph Wearing, *Strained Relations: Canadian Parties and Voters*, McClelland and Stewart, Toronto, 1988; Alain G. Gagnon and A. Brian Tanguay(eds.), *Canadian Parties in Transition: Discourse, Organization, and Representation*, Nelson, Scarborough, Ont., 1989.

It seems that in former times no political parties wanted to deal with this sensitive area of public policy. The recent trend where political parties are willing to make immigration an issue is subject to various interpretations. The rise of the Reform Party in the West may be a catalyst but not the cause. In my view, they are responding to the demands of societal groups of a greater variety in brokerage politics.

14. Pickersgill says that the Tories have opened Canada's doors to immigrants too widely. Cf. A Telephone Interview with Jack Pickersgill, in Ottawa, May 29, 1992. In reality, however, the number of immigrants during the Diefenbaker government went down because of the economic slowdown.

15. Coleman and Skogstad, op.cit., p.27.

16. Bernard Bonin, "Summary of Discussion", in Bernard Bonin(ed.), *Immigration: Policy-making Process and Results*, The Institute of Public Administration of Canada, Toronto, 1976, p.29.

17. See Jacques Henripin, "Population Trends and Policies in Québec", in Alain-G. Gagnon(ed.), *Québec: State and Society*, 2nd ed., Nelson Canada, Scarborough, Ont., 1993, Ch.17, pp.304-318.

18. See Daniel Bonin, "L'immigration au Québec en 1990: à l'heure des choix", in Ronald L. Watts and Dougls M. Brown(eds.), *Canada: The State of the Federation 1990*, Institute of Intergovernmental Relations, Queen's University, Kingston, 1990, Ch.7, pp.137-175; Jerome H. Black and David Hagen, "Québec Immigration Politics and Policy: Historical and Contemporary Perspectives", in Alain-G. Gagnon(ed.), *Québec: State and Society*, 2nd ed., Nelson Canada, Scarborough, Ont., 1993, Ch.16, pp.280-303.

19. See, for example, Orest M. Kruhlak, "Constitutional Reform and Immigration", in Roger Gibbins et al.(eds.), *Meech Lake and Canada: Perspectives from the West*, Academic Printing & Publishing, Edmonton, 1988, pp.201-211.

20. Labour leaders now promote international humanitarian solidarity with oppressed workers abroad, and as a reflection of their desire to see improved wages and safety for workers abroad so that cost differentials would not encourage 'runaway plants' outside Canada. As a consequence, trade union leaders have supported refugee causes and fair hearings for claimants entering Canada.

21. The following explanations for the acquiesence of labour and business are owed to Professor Alan B. Simmons at York University.

22. See William L. Marr, "Employment Visas and the Canadian Labour Force", *Canadian Public Policy*, Vol.III, No.4, Autumn 1977, pp.518-524; William Marr, "The Canadian Temporary Visa Programme as and Alternative to the European Guest Worker Scheme", *International Migration*, Vol.XXIII, No.3, Sept.1985, pp.381-394; Llyod T. Wong, "Canada's Guestworkers: Some Comparisons of Temporary Workers in Europe and North America", *International Migration Review*, Vol.XVIII, No.1, Spring 1984, pp.85-98.

23. Kim Richard Nossal, *The Politics of Canadian Foreign Policy*, Prentice-Hall Canada, Scarborough, Ont., 1985, p.36.

24. Nancy Tienhaara, *Canadian views on immigration and population: An analysis of post-war Gallup polls*, Canadian Immigration and Population Study, Department of Manpower and Immigration, Ottawa, 1974, p.42.

25. Denis Stairs, "Public opinion and external affairs: reflections on the domestication of Canadian foreign policy", *International Journal*, Vol.XXXIII, No.1, Winter 1977-78, p.131.

26. See, for example, Daiva Stasiulis and Yasmeen Abu-Laban, "Ethnic Minorities and the Politics of Limited Inclusion in Canada", in Alain-G. Gagnon and James P. Bickerton(eds.), *Canadian Politics: An Introduction to the Discipline*, Broadview Press, Peterborough, Ont., 1990, Ch.26, pp.580-608; V. Seymour Wilson, "The Tapestry Vision of Canadian Multiculturalism", *Canadian Journal of Political Science*, Vol.XXV, No.4, Dec.1993, pp.645-669.

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APPENDICES

Appendix 1 Immigration to Canada by Calendar Year, 1852-1992

1852	29,307	1892	30,996
1853	29,464	1893	29,633
1854	37,263	1894	20,829
1855	25,296	1895	18,790
1856	22,544	1896	16,835
1857	33,854	1897	21,716
1858	12,339	1898	31,900
1859	6,300	1899	44,543
1860	6,276	1900	41,681
1861	13,589	1901	55,747
Sub-total	**216,232**	**Sub-total**	**312,670**
1862	18,294	1902	89,102
1863	21,000	1903	138,660
1864	24,779	1904	131,252
1865	18,958	1905	141,465
1866	11,427	1906	211,653
1867	10,666	1907	272,409
1868	12,765	1908	143,326
1869	18,630	1909	173,694
1870	24,706	1910	286,839
1871	27,773	1911	331,288
Sub-total	**188,998**	**Sub-total**	**1,919,688**
1872	36,758	1912	375,756
1873	50,050	1913	400,870
1874	39,373	1914	150,484
1875	27,382	1915	36,665
1876	25,633	1916	55,914
1877	27,082	1917	72,910
1878	29,807	1918	41,845
1879	40,492	1919	107,698
1880	38,505	1920	138,824
1881	47,991	1921	91,728
Sub-total	**363,073**	**Sub-total**	**1,472,694**
1882	112,458	1922	64,224
1883	133,624	1923	133,729
1884	103,824	1924	124,164
1885	79,169	1925	84,907
1886	69,152	1926	135,982
1887	84,526	1927	158,886
1888	88,766	1928	166,783
1889	91,600	1929	164,993
1890	75,067	1930	104,806
1891	82,165	1931	27,530
Sub-total	**920,351**	**Sub-total**	**1,166,004**

1932	20,591	1962	74,586
1933	14,382	1963	93,151
1934	12,476	1964	112,606
1935	11,277	1965	146,758
1936	11,643	1966	194,743
1937	15,101	1967	222,876
1938	17,244	1968	183,974
1939	16,994	1969	161,531
1940	11,324	1970	147,713
1941	9,329	1971	121,900
Sub-total	**140,361**	**Sub-total**	**1,459,838**
1942	7,576	1972	122,006
1943	8,504	1973	184,200
1944	12,801	1974	218,465
1945	22,722	1975	187,881
1946	71,719	1976	149,429
1947	64,127	1977	114,914
1948	125,414	1978	86,313
1949	95,217	1979	112,096
1950	73,912	1980	143,117
1951	194,391	1981	128,618
Sub-total	**676,383**	**Sub-total**	**1,447,039**
1952	164,498	1982	121,147
1953	168,868	1983	89,157
1954	154,227	1984	88,239
1955	109,946	1985	84,302
1956	164,857	1986	99,219
1957	282,164	1987	152,098
1958	124,851	1988	161,929
1959	106,928	1989	192,001
1960	104,111	1990	214,230
1961	71,689	1991	230,781
Sub-total	**1,452,139**	**Sub-total**	**1,433,103**
		1992	252,842
		Total	**13,421,415**

Source: Citizenship and Immigration Canada, Public Affairs and Immigration Statistics Division, *Immigration Statistics 1992*, Public Works and Government Services Canada, Ottawa, 1994, p.4.

Appendix 2 Ministers and Deputy Ministers

Ministers Responsible for Immigration

The King government	
Thomas A. Crerar	1935-
J. Allison Glen	1945-
James A. MacKinnon	1948-
Colin Gibson	1949-
The St. Laurent government	
Walter E. Harris	1950-
John W. Pickersgill	1954-
The Diefenbaker government	
E. Davie Fulton (Acting)	1957-
Ellen L. Fairclough	1958-
Richard A. Bell	1962-
The Pearson government	
Guy Favreau	1963-
René Tremblay	1964-
John R. Nicholson	1965
Jean Marchand	1965-
The Trudeau government	
Allan J. MacEachen	1968-
Otto E. Lang	1970-
Bryce S. Mackasey	1972
Robert K. Andras	1972-
J.S. (Bud) Cullen	1976-
The Clark government	
Ronald G. Atkey	1979-
The Trudeau government	
Lloyd Axworthy	1980-
John Roberts	1983-
The Turner government	
John Roberts	1984
The Mulroney government	
Flora MacDonald	1984-
Benoît Bouchard	1986-
Barbara MacDougall	1988-
Bernard Valcourt	1991-
*Walter McLean	1985-
*Gerry Weiner	1986-
*Monique Vézina	1988-
*Pauline Browes	1993

N.B. Ministers with * are Ministers of State

(Employment and Immigration), who support Ministers of Employment and Immigration.

The Campbell government	
Bernard Valcourt	1993
The Chrétien government	
Sergio Marchi	1993-

Deputy Ministers of the Department in charge of Immigration

Mines and Resources	
Charles Camsell	1936-
C.W. Jackson	1945-
H.L. Keenleyside	1947-
Citizenship and Immigration	
Laval Fortier	1950-
George F. Davidson	1960-
H.M. Jones (Acting)	1963
C.M. Isbister	1963-
Manpower and Immigration	
Tom Kent	1966-
L.E. Couillard	1968-
Jacques Desroches	1972-
Alan Gotlieb	1973-
Employment and Immigration	
J.L. Manion	1977-
J.D. Love	1979-
Gaétan Lussier	1982-
Arthur Kroeger	1988-
Ruth Hubbard	1992-
Nick Mulder	1993-
Citizenship and Immigration	
V. Peter Harder	1994-